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RUSSIAN-AMERICAN RELATIONS, 1917–1933: AN INTERPRETATION

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The assumption by the government of the United States of diplomatic relations with the government of the Union of Soviet Socialist Republics on November 16, 1933, closed a long and unique chapter in the annals of American diplomacy. Now that this phase has become historic and a new era in Soviet-American relations has been officially inaugurated, it is possible to review and appraise the highly contentious and illucid interval between 1917 and 1933 with some degree of accuracy and finality. The purpose of this discussion is, therefore, to examine the whole period candidly, objectively, dispassionately, by means of an analysis of the attitude of the United States government, as officially expressed in diplomatic documents or the utterances of responsible statesmen in the period since tsardom fell in Russia. It is desirable, however, to relate those statements, and the positions taken, to the historic attitudes of both Russia and the United States in the course of the last one hundred years; for it is only as the policy of the United States is seen in its full historic setting, in relation to the principles of international law long espoused and followed in American diplomatic practice, that the more recent phases of that policy can adequately be judged.

That setting begins with the American Revolution. There has long been current a myth, reiterated even during the recent negotiations, concerning the "traditional friendship of Russia for the United States." Whatever justification it may have in our later annals, it has none in the early hours of our independence. Instead, there is the inescapable fact of a futile two-year mission of Francis

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Dana to the court of St. Petersburg, in the course of which the young American diplomat was unable to obtain a hearing for his country or present the American cause to the Empress Catherine II. As far as any assistance from Russia toward our liberation from Britain, her age-long rival, was concerned, it was nil, even though it might have been to Russia's immediate and long-range advantage to undermine the strength of the British Empire by assistance to the rebellious colonies. Tsarism, however, had no traffic with revolution. Russia was in fact among the last of the powers to recognize the United States; it was well over a quarter of a century after we were an independent nation, and recognized as such, before the government of the tsars welcomed a permanent diplomatic mission at St. Petersburg, and no treaty relations were established with the Russian Empire until 1824, almost a half century after the proclamation of our independence. An inherent opposition to our principles of government, an unwillingness to covenant with a state born of revolution, characterized the early attitude of tsarist Russia toward the United States.

A further revelation of contrasting positions came in 1823. The Monroe Doctrine was directed partly against Russia, as much because of her territorial and maritime claims on the Pacific as because of her projected intervention in the New World to seek the restoration of the revolted Spanish colonies. In this important episode Russia frontally opposed the United States on two points. In the first place, she declared her unequivocal objection to the partition of the Spanish domain. She regards it as opposed to the interests of the European household, and of the family of states in general, that foreign powers should exploit Spain's weakened condition following the Napoleonic wars by recognizing as independent entities her revolting or seceding colonies. She considered herself specially privileged to maintain, out of disinterestedness, the principle of the territorial integrity of the decadent Spanish Empire, seeing that both the United States and Great Britain stood to profit by its partition. In the second place, Russia objected to the recognition of the Spanish American republics because it meant, in principle, compounding with revolution, the legitimation of régimes coming into being without the consent of lawful, constituted authority—in this instance His Most Catholic Majesty, the king of Spain. At a critical moment in her history, Spain had made a covenant, through a government established by bayonets, with the

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common foe of the Allies—Napoleon. Revolution had followed throughout Spanish America, not without British approval. In the face of such events, Russia, anticipating Mr. Stimson by nearly one hundred and ten years, refused to assent to the partition of empire or the recognition of the Spanish American republics.

It was not until a third of a century later, during the Civil War, when Russia and America were alike confronted by secessionist and revolutionary movements, that the two countries first made common cause. Our historians record an imposing Russian naval demonstration in American waters as a gesture betokening the solidarity of the two countries, at a time when Britain and France threatened to recognize the Confederacy.[1] What is not so frequently realized is the fact that by this act of supporting the constitutional order in America, Russia at least diplomatically prevented a protest, if she did not actively estop the government of the United States from interceding on behalf of the Poles in their ill-starred revolutionary uprising. Sweet are the uses of adversity. For the first time in their respective histories, Russia and America found themselves allied in common against insurrectionary movements in their individual domains. Lincoln and Alexander II might, respectively, liberate slave and serf, but they would not tolerate revolutionary secession.

The momentary community of interest in the critical sixties gave way, however, to feelings of increasing suspicion and mistrust, as the oppressed peoples of Russia in large numbers left their homeland to take up their residence among us. The United States thus became the foyer of powerful anti-dynastic, republican, and separatist propaganda persistently conducted against the Romanov régime by representatives of the non-Russian nationalities on the one hand, and extremist opposition Russian elements on the other. To the end of the tsarist period, our relations with Russia were coldly formal, punctuated with repeated protests against the inhumanities of a decadent governmental order. That is why both the government and people of the United States genuinely welcomed the collapse of tsarism and the advent of the Provisional Government

[1] In the light of this historic precedent, it is not amiss to point out that the American naval demonstration in the Pacific (1932–33), while resented by Japan, was not protested, even indirectly, by the U.S.S.R. It was, in fact, an objective evidence, not entirely disconnected with diplomacy, of an impending political rapprochement between the United States and the U.S.S.R.

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in March, 1917. Because all of the procedural formalities were fully complied with in the transfer of tsarist authority to the Provisional Government, because the ideology of the liberal provisional régime was at the moment in accord with our own gospel of democracy, because the new government promised to prosecute the war on which we were on the verge of embarking, recognition was immediately forthcoming. The ambassador of the United States, Mr. David R. Francis, hastened to notify the Secretary of State, Mr. Lansing, of the coming of revolution in the land of the tsars and to seek authority to be the first to recognize the new régime.

"This revolution," he cabled on March 18, 1917, "is the practical realization of that principle of government which we have championed and advocated. I mean government by the consent of the governed. Our recognition will have a stupendous moral effect, especially if given first."[2]

On the basis of the Provisional Government's coherence with our canons of democratic legitimism, permission was given within twelve hours, and on March 22, 1917, Francis declared to the assembled Provisional Government that the government of the United States recognized the new government of Russia and that he, as ambassador of the United States, would continue intercourse with Russia through the medium of the new government.[3] Recognition was thus frankly based on approval of the political doctrine of the incoming régime. For a second time in the history of America and Russia, there appeared to be identity of national interests. It lasted, however, only as long as the régime which espoused the democratic doctrine and the prevailing political ideology of the Allied and Associated Powers.

On November 7, 1917, the régime of the Provisional Government was ended by the arrest of the Council of Ministers and the proclamation of the Soviet Republic. According to the reports of our diplomatic representatives in Russia, the actual deposition of the Provisional Government was accomplished with relatively little resistance. Judged, therefore, from the standpoint of the actual amount of violence exerted, the *coup d'état* of the Bolsheviks was not inordinately bloody. It sufficed, however, to bring into power a political group with a program and an ideology radically dif-

[2] Francis to Lansing from Petrograd, March 18, 1917, No. 1107. *Foreign Relations of the United States*, 1918, Russia, I, pp. 5–6.

[3] Lansing to Francis, March 20, 1917, No. 1271. *Ibid.*, p. 12. Francis to Lansing, March 22, 1917, No. 1124. *Ibid.*, pp. 12–13.

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ferent from that of the Provisional Government. Immediately the government of the United States was confronted with the necessity of deciding how it would deal with the new government.

On November 21, 1917, a fortnight after the *coup d'état*, Trotsky, as People's Commissar for Foreign Affairs, formally notified Ambassador Francis of the establishment of "a new government of the Russian Republic under the form of the Council of Commissaries of the People."[4] Francis did not acknowledge the communication, and it was resolved by the heads of the Allied diplomatic missions in Petrograd to ask their respective governments not to authorize any reply, "as the pretended government was established by force and is not recognized by the Russian people."[5] The argument here advanced, it will be noted, is that the Soviet régime was *a priori* illegal on account of its violent assumption of power. This was the first hypothesis on which the government of the United States based its attitude toward the Soviet régime. Lansing concurred in the course of action outlined and ordered that no replies be made to Soviet overtures, stating that the government of the United States would await developments.[6] The same course was urged strongly upon Lansing by the deposed ambassador of the Kerensky régime, Boris Bakhmeteff.[7] On the other hand, Brigadier-General W. V. Judson, the American military attaché in Russia, insisted almost from the outset that the Soviet régime was a *de facto* government and that relations should be established with it.[8] For this attitude, he was expressly directed by President Wilson to "withhold all direct communication with the Bolshevik government[9]—a phrase which impliedly admitted the Soviet régime to be a government—while the State Department ordered Red Cross and Y.M.C.A. personnel, who had apparently developed a sympathetic attitude toward the Soviet régime, to keep out of politics, as their interposition might be "fraught with grave danger."[10] Finally, on December 15, 1917, Lansing issued circular instructions

[4] Francis to Lansing, November 22, 1917, No. 2006. *Ibid.*, p. 244.

[5] Francis to Lansing, November 22, 1917, No. 2007. *Ibid.*, p. 245. Francis was instructed to exchange views with the Allies, but was told "that we would not bind ourselves to a course which might look to Russia as a measure of compulsion." Lansing to Francis, November 24, 1917, No. 1864. *Ibid.*, p. 248.

[6] Lansing to Francis, December 1, 1917, No. 1875. *Ibid.*, p. 254.

[7] Bakhmeteff to Lansing, December, 7, 1917. *Ibid.*, p. 255.

[8] Francis to Lansing, December 2, 1917, No. 2057. *Ibid.*, p. 282.

[9] Lansing to Francis, December 6, 1917, No. 1883. *Ibid.*, p. 289.

[10] Lansing to J. R. Mott, December 7, 1917. *Ibid.*, p. 290.

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which stood until November 17, 1933, forbidding American diplomatic representatives in Europe and the Far East to have any official relations with Russian diplomatic officers recognizing or appointed by the Soviet government.[11] There was thus established a theory of non-intercourse, of non-recognition, which, although justified at different times on different grounds, remained for over sixteen years the formal policy of the United States government.

Despite the apparent finality of the position assumed by the State Department, Ambassador Francis soon began to have doubts. On Christmas eve, 1917, he cabled Lansing, outlining his course of action and emphasizing the unexpected vitality of the Soviet régime:

> This is revolution, but the fact remains that the Bolsheviki have maintained themselves in power in Petrograd and Moscow and are the *de facto* government in those cities and, although there are opposition movements, Bolshevik power is undoubtedly greatest in Russia . . . I am willing . . . to swallow pride, sacrifice dignity and with discretion do all that is necessary to prevent Russia's becoming the ally of Germany. It is possible that, having accomplished the establishing of relations with the Soviet government, the Allied representatives could influence the terms of peace and thus preserve Russian neutrality.[12]

A fortnight later, but before the dispersal of the All-Russian Constituent Assembly, Francis cabled that he was "inclined to recommend simultaneous recognition of Finland, Ukraine, Siberia, perhaps the Don Cossacks province, and the Soviet as the *de facto* government" of the respective areas in question.[13] Finally, the American legation in Copenhagen proposed to Lansing a plan whereby America would be the sole nation to recognize the Soviet régime as the *de facto* government and become the intermediary with it on behalf of all the Allied governments. In support of this proposal, the legation pointed out the likelihood of indefinite duration of the Soviet régime, the ability of the United States to maintain working relations with all factions, the separatist groups included, and, finally, America's long experience in dealing with *de facto* governments in Latin America.[14] This succinct survey of the situation obtaining in the first weeks of the Soviet régime reveals that competent observers on the spot—civilian, military,

[11] *Ibid.*, p. 317.

[12] Francis to Lansing, December 24, 1917, No. 2138. *Ibid.*, pp. 324–325.

[13] Francis to Lansing, January 9, 1918, No. 2212. *Ibid.*, p. 336.

[14] U. S. Grant-Smith to Lansing from Copenhagen, January 14, 1918, No. 1823. *Ibid.*, pp. 337–338.

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and diplomatic—early came to a conclusion as to the probable capacity of the Soviet régime to survive. On the *de facto* character of the Soviet government from the outset, there was therefore, according to the testimony, virtual unanimity.

Needless to say, all of the foregoing proposals were rejected by Lansing. In Washington and the allied capitals, there was stubborn resistance to any overtures from or toward the Soviet authorities, based as much upon the illegal assumption of power by the Bolsheviks as upon the distastefulness of their program. To the original sin of taking power by violence, the Bolsheviks presently added another: as the price of relief from the military pressure of Germany, according to Trotsky, they were compelled by the German High Command to disperse the All-Russian Constituent Assembly,[15] thus destroying, in the opinion of Wilson and Lansing, the last source of legitimate authority in Russia. Judged from the standpoint of strict constitutionalism, the Bolsheviks, by February, 1918, were doubly tainted with illegality in the eyes of our State Department. Too much emphasis cannot be placed upon this fact, because its influence became exceedingly pervasive. It was a dominating preconception with President Wilson for the remainder of his administration; it steeled his previously friendly attitude toward the Soviet régime into one of implacable opposition, and was the decisive factor in the eventual decision of the government of the United States, on June 12, 1919,[16] to throw its support definitely into the scales in favor of Admiral Kolchak and against the Soviet régime. This deep-seated doctrine of constitutional legitimism, shared alike by Wilson and Lansing, operated as a definitive barrier to any negotiations with the Bolsheviks, at least down to the period of the Paris Peace Conference in 1919.

A third reason for withholding recognition from the Soviet régime arose in connection with the Russian endeavors to negotiate a separate peace with Germany. It is impossible to enter here into a discussion of the necessity or merits of the settlement reached by Russia and the Central Powers at Brest-Litovsk, but that it created an almost insurmountable barrier to recognition for the remainder of the war hardly needs demonstration. If the Soviet régime were recognized before the signature of the peace treaty,

[15] Leon Trotsky, *Lenin*, p. 15.

[16] For the text of the correspondence with Admiral Kolchak, cf. C. K. Cumming and Walter W. Petit, *Russian-American Relations*, pp. 337–343.

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the Allied governments would be bound, by the ordinary rules of international law, to take cognizance of it, and would find their rights materially impaired by its provisions. If the treaty were signed while the régime remained unrecognized by the Allies, they could, without impairment of either their own rights or those of Russia, consider the Brest-Litovsk agreement null and void.[17] This, as is well known, became the final Allied attitude. Francis clearly foresaw this and cabled, February 5, 1918, that Germany would be pleased by Allied action, since peace "with Russia would mean more with Allied recognition of the Soviet government than without." "For this and other reasons," concluded the Ambassador with finality, "I cannot recommend recognition."[18] The long-range value of this decision, and its principal justification, lies in the fact that it permitted the Allied and Associated governments, as part of the armistice conditions, to abrogate the Brest-Litovsk peace—a step in which the Soviet government was itself only too glad to concur. The immediate effect of the decision was to stimulate plans for intervention, both in North Russia and in the Russian Far East.

For the remainder of the World War, down to the meeting of the Paris Peace Conference, the efforts of the Bolsheviks to enter into any sort of relations with the United States were predestined to be fruitless. Thus the commissioning of Litvinov as ambassador to the United States[19] brought no results, as the Department of State refused him a visa to enter this country, and sundry other overtures made by Chicherin, who was at the time particularly friendly to the United States, were rejected. It does not require a high degree of insight to observe in the diplomatic correspondence of the period the sincere desire of the Soviet government—virtually unchanged during the past sixteen years—to utilize potential friendship with the United States as leverage against Japanese

[17] It is worthy of note that the attitude expressed by the Allied governments at the time of the signing of the Peace of Brest-Litovsk declaring that "peace treaties such as these we do not and cannot acknowledge" set a distinct precedent for that part of the Stimson Doctrine dealing with non-recognition of certain types of treaties. Cf. the statement issued by the British Foreign Office on March 18, 1918, on behalf of the Allied governments. Page to Lansing from London, March 25, 1918, No. 8633. *Foreign Relations of the United States*, 1918, Russia, I, pp. 438–439.

[18] Francis to Lansing, February 5, 1918, No. 2336. *Ibid.*, pp. 368–369.

[19] G. V. Chicherin to Francis, Francis to Lansing from Petrograd, June 5, 1918, No. 1. *Ibid.*, p. 551.

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intervention. Yet it was the recommendation of Ambassador Francis, made on May 2, 1918, which broke down much of President Wilson's resistance to the proposed intervention. In this dispatch Francis reveals that, as events developed in 1918, he grew more and more hostile to the Soviet authorities, insistently calling the attention of the State Department to the "principles which Lenin is aggressively championing" as a final argument against recognition.[20] In June, 1918, he asked that he be instructed

> In event the present Soviet government abdicates or is deposed . . . to announce to the Russian people, whom this government has never ceased to consider its ally against the Central Empires, that the government of the United States will recognize that government which will be adopted by the people through their representatives chosen at an election duly called and held under safeguards which will insure an honest expression of the popular will.[21]

To this the Department of State gave substantial assent, describing its preference for "a government of Russia which it has reason to regard as representative of the people of Russia and chosen by their collective action."[22] From this it was, of course, only a short step to the support of counter-revolution. On July 31, 1918, Francis informed Lansing of the withdrawal of the Allied diplomatic missions to Murmansk, on the Arctic Ocean. The British military and naval leaders, with Anglo-French troops and fifty American sailors then proceeded to Archangel. "An anti-Bolshevik revolution is planned there for today," declared the Ambassador, "and if successful, as anticipated, then the Allied forces will land at Archangel without opposition on August 2."[23] From this time on the rupture was certain, and it was only a matter of time until all American military and diplomatic personnel were withdrawn. The interlude of semi-official dealing with the Soviet régime was over. The United States was in the camp of counter-revolution. It stayed there for two years, until the end of 1920.

Two episodes during this period deserve mention. The first was

[20] Francis to Lansing from Vologda, May 2, 1918, No. 140. *Ibid.*, p. 521.

[21] Francis to Lansing from Vologda, June 3, 1918, No. 239. *Ibid.*, pp. 550–551.

[22] Lansing to Francis, June 12, 1918, No. 177. *Ibid.*, p. 562.

[23] Francis to Lansing from Murmansk, July 31, 1918, No. 342. *Ibid.*, p. 624. Francis was perfectly candid, *after* the fact, in declaring to his government that the Archangel government, from the outset, rested on Allied bayonets: "Found new government here," he cabled, "but realize same would not have succeeded if Allied forces had not landed, neither would it survive if Allied troops taken away." Francis to Lansing from Archangel, September 3, 1918, No. 379. *Ibid.*, p. 518.

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the mission of Mr. William C. Bullitt to Lenin in March, 1919, as the personal emissary of President Wilson. Although the mission failed, for reasons into which we need not enter, it revealed the willingness of the Soviet government to discuss peace on the basis of the *de facto* recognition of all existing governments on Russian soil, "until the peoples inhabiting the territories controlled by these *de facto* governments shall themselves determine to change their governments."[24] This was a formula permitting self-determination, but it endeavored to pledge the Allied governments to recognize in advance whatever form of government, even a Soviet régime, the inhabitants might create. It was an interesting formula, which undoubtedly endeavored to create a sort of legitimacy for future Soviet régimes on the same basis as Francis had hoped to lay down for a future anti-Bolshevik government. The proposals were rejected, but they undoubtedly contained most of the basic essentials of a settlement, particularly as the Soviet government pledged to abstain from subversive propaganda against the governmental institutions of other countries and explicitly agreed to acknowledge, as co-successor with the other parts of the Russian Empire, "responsibility for the financial obligations of the former Russian Empire to foreign states parties to this agreement and to the nationals of such states." The rejection lost for the United States an opportunity which has never recurred.

The second episode concerned the mission of Ludwig Martens as ambassador of the Soviet Republic to the United States. Being already in the United States, Martens could not be refused a visa; hence the Commissariat for Foreign Affairs furnished him credentials and a long memorandum for presentation to the State Department, which was forwarded on March 19, 1919.[25] The State Department returned no answer. Martens was eventually arrested, his offices rifled in a moment of unusual zeal by the Lusk Committee, and a deportation order was lodged against him, although he was allowed to leave the United States on his own accord, on January 21, 1921, shortly before the Republican administration entered office. While the action of the State Department in refusing to receive him was thoroughly in consonance with the prin-

[24] Draft Treaty drawn up by Representatives of the Soviet Government and William Bullitt, in Russia on behalf of President Wilson, March 12, 1919, Art. I. *The Soviet Union and Peace.* Document 17, pp. 66–67.

[25] *Russian-American Relations*, pp. 320–329.

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ciples on which it had decided in 1918, it cannot be said that Martens conducted himself with any more impartiality and aloofness from internal politics than had Francis in his last months in Russia. One can only conclude with the late Professor Dennis that when Martens participated in meetings directed to the ultimate overthrow of the American government, his possible diplomatic usefulness was at an end.[26]

In the last months of the Democratic administration, after Mr. Lansing had disappeared from the political scene, it was left to Mr. Bainbridge Colby, his successor as Secretary of State, to mobilize new arguments against recognition, either of the Soviet régime or of the independent countries which had effected their separation from Russia. Declaring that he recoiled from the recognition of the Bolshevik régime and the dismemberment of Russia, Colby urged that all decisions concerning sovereignty over territories of the former Russian Empire he held in abeyance until Russia was no longer helpless in the grip of a non-representative government.[27] This theory sounds strangely like the legitimist doctrines of Baron Tuyll in 1823, denying recognition to all *de facto* governments in Latin America. Nor is the lineage of this doctrine hard to find. I have it on the authority of an eminent Baltic diplomat that although Colby promulgated the doctrine, the deposed Kerenskist ambassador Bakhmeteff had a great deal to do with its phrasing. One of the last utterances of President Wilson before his retirement from office carried the doctrine a step farther, when he asked for "a public and solemn engagement among the Great Powers not to take advantage of Russia's stricken condition and not to violate the territorial integrity of Russia.[28] It is apparent that Wilson, who, like Alexander I, was regarded at the height of his power as a liberator, had come in a short space of time to champion a sterile and empty conservatism, seeking to freeze a seething and tempestuous world in the cold rigid mold of constitutionality.

The remainder of Colby's argument was largely moralizing: With the pontifical assurance of a prelate, he proclaimed:

> It is not possible for the government of the United States to recognize the present rulers of Russia as a government with which the relations

[26] A. L. P. Dennis, *Foreign Policies of Soviet Russia*, p. 468.

[27] Louis Fischer, *The Soviets and World Affairs*, Vol. I, p. 306.

[28] Wilson to Paul Hymans, January 18, 1921. *New York Times*, January 21, 1921.

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common to friendly governments can be maintained. This conviction has nothing to do with any particular political or social structure which the Russian people themselves may see fit to embrace. It rests upon a wholly different set of facts. These facts, which none disputes, have convinced the government of the United States, against its will, that the existing régime in Russia is based upon the negation of every principle of honor and good faith and every usage and convention, underlying the whole structure of international law; the negation, in short, of every principle upon which it is possible to base harmonious and trustful relations, whether of nations or of individuals. . . . In the view of this government, there cannot be any common ground upon which it can stand with a power whose conceptions of international relations are so entirely alien to its own, so utterly repugnant to its moral sense.[29]

And yet within a few months of this pronouncement Colby, according to his official biographer, was engaged in an endeavor to utilize the good offices of a great Swedish statesman, Hjalmar Branting, to enter into an agreement with Lenin for "the voluntary liquidation of the dictatorship, the basing of the government of Russia upon the 'sanction of the authentic organs of the Russian people' " with assurances of "immediate recognition of any Russian government emanating from a truly representative movement of the general character suggested."[30] Verily constitutional legitimism dies hard.

But if the Democratic administration expected its Republican successor to follow this line of policy, it was doomed to disappointment. The objective remained the same, but the reasons were radically altered. Taking advantage of the announcement of the New Economic Policy, Secretary Hughes enunciated indirectly to Litvinov the economic bases of Russo-American relationships. These were predicated upon the safety of life, the recognition by firm guarantee of private property, the sanctity of contract, and lastly the rights of free labor.[31] Here was a program based on a new conception of legality and economics, sufficiently at variance with even the milder mood of the New Economic Policy to block all hope of recognition. Mr. Hughes, however, did not abandon our previously announced position of moral trusteeship and solicitude for the maintenance of the territorial integrity of Russia[32]

[29] *International Conciliation*, October, 1920, p. 465.

[30] *The American Secretaries of State and their Diplomacy*, Vol. X, "Bainbridge Colby," by John Spargo, pp. 206–207.

[31] Hughes to the American consul at Tallinn, March 25, 1921. *New York Times*, March 26, 1921.

[32] *The American Secretaries of State and their Diplomacy*, Vol. X, "Charles Evans Hughes," by Charles Cheney Hyde, Chap. IX (Relations with Russia, pp. 280–282).

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until the occupying Japanese forces in Siberia had withdrawn in the summer of 1922. The doctrinal pronouncements on this point had served their purpose. Thereupon we promptly and unreservedly recognized the Baltic states.[33]

A year later, on July, 19, 1923, Mr. Hughes formally abandoned the doctrine of constitutional legitimacy by declaring: "We are not concerned with the question of the legitimacy of a government as judged by former European standards. We recognize the right of revolution and we do not attempt to determine the internal concerns of other states." At the same time, he asserted that the principal obstacles lying in the way of the restoration of Russo-American relations were the "repudiation of the obligations inherent in international intercourse," the lack of assurances that our citizenry would be exempt from "arbitrary detentions," the failure of the Soviet régime to abandon its "policy of confiscation" and to give up its purpose "of destroying existing governments wherever they can do so throughout the world." While this spirit of destruction remained unaltered, economic considerations could not be allowed to determine the question of recognition. Before recognition could be considered, evidence would have to be forthcoming of the desire of the Russian authorities to "observe the fundamental conditions of international intercourse" and to abandon their "persistent efforts to subvert the institutions of democracy as maintained in this country."[34] It remained for Mr. Coolidge, in his message to Congress on December 4, 1923, to lay down the classic statement of the new economic legitimism which superseded the Lansing-Colby doctrine:

> While the favor of America is not for sale, I am willing to make very large concessions for the purpose of rescuing the people of Russia. Already encouraging evidences of returning to the ancient ways of society can be detected. But more are needed. Whenever there appears any disposition to compensate our citizens who were despoiled, and to recognize that debt contracted with our Government not by the Czar but by the newly formed republic of Russia; whenever the active spirit of enmity to our institutions is abated; whenever there appear works meet for repent-

[33] State Department press release, July 28, 1922.

[34] Hughes to Samuel Gompers, July 19, 1923. *New York Times*, July 20, 1923. It is interesting to note that of the four outstanding issues mentioned by Hughes, three figured prominently in the Soviet-American settlement of November 16, 1933. Hughes' pronouncement, it can now be seen in retrospect, marked the beginning of a realization that the basic issues dividing the two countries were legal and economic rather than moral. This despite the subsequent outburst of neo-Puritanism on the part of the President of the United States.

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ance, our country ought to be the first to go to the economic and moral rescue of Russia.[35]

Virtually all of the subsequent pronouncements of the Republican administrations were variations on this theme of Mr. Coolidge —economic obliquity, innate depravity, inescapable perdition attach to the Soviet economic order; there must be, accordingly, confession, conversion, atonement before "economic and moral rescue" can be effected. The ensuing five years of rumination did not, however, convince the Soviet authorities of the necessity of responding to the new Calvinism.

With the coming of the Hoover administration, nothing changed officially. Mr. Stimson replaced Mr. Kellogg, the cry of propaganda lessened, but outbursts about dumping took its place. In the long run, however, the government of the United States expressly abandoned *all* doctrines of constitutional legitimacy. Speaking before the Council on Foreign Relations in New York City on February 6, 1931, Secretary Stimson reviewed the difficult course of our relations with Latin America since the abandonment of the *de facto* principle by Woodrow Wilson and declared in unequivocal terms that

> The present administration has refused to follow the policy of Mr. Wilson and has followed consistently the former practice of this government since the days of Jefferson . . . to base the act of recognition not upon the question of the constitutional legitimacy of the new government, but upon its *de facto* capacity to fulfill its obligations as a member of the family of nations.[36]

One cannot refrain from inquiring whether Mr. Stimson surveyed the whole political horizon before he set forth this doctrine. It is, however, quite possible that he intended, as one of his subordinates later declared, to hold the Soviet régime to account for "its failure to respect the international obligations of *preceding* governments"[37] —whether to the third and fourth generations was not specified!

By the last days of the Hoover administration Russian-American relations presented a most interesting paradox, falling little short

[35] "The Recognition Policy of the United States, with Special Reference to Soviet Russia," *Foreign Policy Association Information Service*, Supplement No. 3, November, 1926, pp. 25–26.

[36] "The United States and the Other American Republics: A Discussion of Recent Events," *Publications of the Department of State*, Latin American Series, No. 4, pp. 6, 8.

[37] Green H. Hackworth, "The Policy of the United States in Recognizing New Governments during the Past Twenty-five Years," *Proceedings of the American Society of International Law*, 1931, p. 131.

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of the farcical. Representatives of the two governments continually faced each other at Geneva, as officially accredited plenipotentiaries whose full powers enabled them to participate in common in the final act of a disarmament conference; there were instances of direct reply, via the rostrum, of American to Soviet delegates, and vice versa—and yet there was no diplomatic recognition. Both states had announced their respective adherence to the *de facto* principle in general, without thereafter assuming diplomatic relations. In the Far East, this principle came to a severe test in connection with the state and government of Manchoukuo, whose existence and functioning were certainly not in question. Yet neither Russia nor the United States accorded it recognition. Why? Because of the emergence of a new "legitimism," deduced by Mr. Stimson, with the rigid logic of a Calvinistic theologian, from the positive stipulations of the Kellogg Pact by which both the Soviet Union and the United States are legally bound. It does not vitiate the substantial merit behind the Stimson Doctrine to point out how ludicrous appeared the spectacle of two great states, both born of revolution, refusing to a third and to its government any type of recognition because that third state was tainted with the illegality of coming into being by means in contravention of a solemn covenant binding two régimes which did not recognize each other! Surely the cup of anomalies was filled to overflowing. It was high time, both politically and legally, for change.

That change began early in the Roosevelt administration, though not with the dramatic suddenness which would have attended a formal invitation to a Soviet commissar to join the long list of distinguished diplomats who came to the White House for consultations in April and early May, 1933. There is evidence that some sectors of American public opinion, chiefly of Revolutionary ancestry or clerical temperament, counted on exactly such a move, and mobilized as pressure groups to prevent it.[38] Instead, there had to be a more subtle overture, so well timed that the first contact with Moscow could be made by American initiative and amid popular acclaim. So, while public opinion was focussed on Geneva and Berlin, the President, on May 16, 1933, sent out his message

[38] A check by the reported activities of these pressure groups reveals that their "spring offensive" opened on April 8 with the onslaught of the "Paul Reveres" and closed on April 20 with a broadside by the Rev. Dr. E. A. Walsh. Cf. *New York Times*, April 9–21, 1933.

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respecting disarmament and non-aggression—topics on which a cordial response could be anticipated from Moscow—to the nations, addressing it, with almost proletarian directness and without the use of "His Excellency," to "President Michail Kalinin, All Union Central Executive Committee, Moscow, Russia."[39] Official messages had been sent by Woodrow Wilson to Soviet Congresses, but never to the Central Executive Committee or its titular head; even the Bullitt mission had been an unofficial sounding with no commitments. Here was a direct communication from chief of state to chief of state—an exchange of *lettres de cabinet* sufficient in itself, as I have pointed out elsewhere,[40] to effect *de jure* recognition. The significance of the move was not lost upon Moscow, particularly as the President chose, to begin his message, words which expressly accorded to Kalinin the full attributes of a legally qualified representative of the Soviet régime.[41]

The promptness and tone of Kalinin's reply left no doubt as to the ability of the Narkomindel to interpret at its true value the President's move; it was rightly valued as an overture for a return to normalcy, and the response was couched as from one recognized government to another,[42] indicating the willingness of the Soviet government to coöperate with the United States on various matters, both at Geneva and at London. This exchange may now be evaluated as having broken the diplomatic ice; it was left to Mr. Bullitt, attached to the American delegation at the London Conference, to take up the overture of Kalinin by corridor conversations and informal intercourse with the Soviet envoys. Meanwhile, negotiations regarding credits were opened between the Reconstruction Finance Corporation and the Amtorg officials. It is significant that these material approaches toward normalcy were not undertaken *before* the significant exchange of notes just referred to. They indicate that solid juridical ground for future relationships could be felt under foot. We were out of the quagmire of misunderstanding. It was now merely a matter of time and circumstance until normalcy could be restored.

[39] Press release of the assistant secretary to the President, May 16, 1933.

[40] *In Quest of a Law of Recognition* (University of California Press, 1933), pp. 20–21.

[41] "A profound hope of the people of my country impels me, as the head of their government, to address you, and through you the people of your nation."

[42] "I have received your message of political and economic peace to all States. . . . The Soviet government, expressing the will of the peoples of the Soviet Union, has never ceased, etc." *Soviet Union Review*, Vol. XI, No. 6, p. 137 (June, 1933).

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The occasion presented itself in October, 1933, at a time when tension in Soviet-Japanese relations was acute and there was fear of an open breach or a possible Japanese aggression on Soviet territory. Despite the fact that there was a new press campaign against recognition, and that domestically the moment seemed signally inauspicious, President Roosevelt moved openly to close the long-standing breach. In a note of October 10 to Kalinin he indicated his desire to end "the present abnormal relations" between America and Russia, referred to the century-long "happy tradition of friendship," and deplored the lack of facilities for direct communication. Deeming existing difficulties soluble only by direct conversations, he invited the Soviet government to designate representatives to explore with him personally all outstanding questions, carefully pointing out that "participation in such a discussion would, of course, not commit either nation to any future course of action." The overture was wholly one of national diplomacy and disregarded possible international repercussions.

Kalinin, concurring in the President's analysis, declared in reply that the situation was "abnormal and regrettable," voiced his opinion that only direct relations could obviate "difficulties present or arising," and designated Litvinov as his emissary. An entirely new turn was given the discussion, however, by Kalinin's mention of the "unfavorable effect" of the absence of official relations "not only on the interests of the two States concerned, but also on the general international situation, including the element of disquiet complicating the process of consolidating world peace and encouraging forces tending to disturb that peace." This reply, framed at the moment when Germany left the Disarmament Conference, bore unmistakable reference to the Reich on the one hand and to Japan on the other. The Kremlin did not fail to see that there was, at this historic moment, a closer ideological affinity between two countries with large-scale experimentation in planned economies than between Moscow and either Tokio or Berlin. It is not too much to say that strong resentment, in both America and Russia, toward the accentuation and excesses of atavistic nationalism in both Germany and Japan has a direct part in psychologically ameliorating Soviet-American relations.

With Litvinov in Washington conferring directly with the President, formal diplomatic recognition was all but assured. Too much was at stake to permit any slip. In consequence, the dis-

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cussions at once tackled fundamentals. They eventuated, on November 16, in a series of agreements and understandings recorded in an elaborate exchange of notes and declarations,[43] collectively constituting a comprehensive settlement unparalleled in American diplomacy, but not in the diplomatic annals of the Soviet Union.[44] Virtually all of the diplomatic settlements between Russia and her neighbors, and between Russia and the principal Great Powers, have involved a series of assurances—formal exchanges of notes, unilateral or joint declarations, *plus* a political treaty, chiefly because of the previous existence of a state of war between the parties. The Soviet-American settlement is almost unique[45] in that there is no political treaty. More properly speaking, the settlement, while cast into non-treaty form, actually embodies stipulations lifted almost bodily from well known Soviet treaties, and roughly follows the *schema* of the earliest Soviet settlements with capitalist powers.

While there had been much discussion as to whether the Soviet government would assent to giving various undertakings *before* recognition was extended, the problem, as such, was not raised. Nowhere in the correspondence is the term recognition mentioned, *expressis verbis*.[46] Actually, the act consummating complete diplo-

[43] As released on Friday, November 17, by President Roosevelt, these consisted of five exchanges of notes, two declarations, and one joint statement. These are given in the Department of State's Eastern European Series, No. 1, "Establishment of Diplomatic Relations with the Union of Soviet Socialist Republics (Washington, Govt. Prtg. Off., 1933).

[44] The settlements most closely resembling that with the United States are the Soviet settlement with China (May 31, 1924) and Japan (January 20, 1925). The former included two treaties, seven joint declarations, and one exchange of notes; the latter, one treaty, three protocols, one unilateral declaration, one set of notes, and one annexed note, together with a protocol of signature. League of Nations Treaty Series, Vol. 37, pp. 175–201, and Vol. 34, pp. 31–53. Cf. *American Journal of International Law*, Supplement, Vol. 19, No. 2 (April, 1925), pp. 53–62, 78–87.

[45] The only comparable situation was that of Czechoslovakia, which denied the existence of any state of war between the Czechoslovak Republic and Soviet Russia. In reply to an offer of peace negotiations by Chicherin in March, 1920, Dr. Beneš stated that, there never having been a state of war between the two countries, no such move was necessary. Cf. *Gazette de Prague*, Vol. I, No. 1, April 24, 1920.

[46] The only mention of recognition in any of the collateral documents occurs in a note from Acting Secretary of State Phillips to Serge Ughet, the residuary legatee of the Kerensky régime, referring, under date of November 16, to "the recognition of the Union of Soviet Socialist Republics by the Government of the United States," but without specifying when the recognition took place. *New York Herald-Tribune*, November 18, 1933.

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matic recognition took the form of the first exchange of notes; all other undertakings, while of the same date, were in fact signed subsequent to this exchange. It is thus possible for the Soviet government to claim that these undertakings were reached *after* formal recognition, while it is equally possible for meticulous constructionists in the United States to maintain that the recorded understandings were reached preliminary to recognition. This merely serves to illustrate that the art of face-saving is as necessary in Washington and Moscow as it traditionally is in the Orient.

An appraisal of the significance of the settlement involves an estimate of the value of (1) the promises of future collaboration, (2) the pledges regarding propaganda, (3) the guarantees of religious freedom, (4) the stipulations regarding legal protection of nationals, and (5) the waiver and extinction of certain claims. There can be no question that the pledge of coöperation of the two nations for their mutual benefit and for the preservation of the peace of the world, made in the first exchange of notes, possesses far-reaching significance. If adhered to, it should end the period of sterile and empty diplomacy such as characterized Russian-American relations before 1917, and inaugurate an era of active collaboration. It should give new leverage to both countries in international conferences and in relation to problems where both have substantially similar policies, as in the Far East. Having refound a lost friendship, and computed also the common denominator of several policies, Russia and America give promise for the future not only of normalcy of relationships but of quick and continuous contact.

The problem of propaganda—so often the *bête noire* of capitalist countries' relations with the Soviet state—has been settled by the giving of broad guarantees embracing almost every regulable aspect of propagandist activity. Modelled on the provisions of the Soviet-Estonian peace, the Anglo-Russian trading agreement, and the Soviet-Japanese settlement, these guarantees are more comprehensive in scope and applicability, particularly as regards colonial dependencies and subventioned organizations, than any which the Soviet government has hitherto offered to any nation. In this sense, they constitute a large-sized diplomatic concession to the United States. The willingness of the Soviet government to make such accommodations appears to be based as much on their reciprocal character as on the fact that the Soviet régime, having gone through an expansive, evangelizing stage of militant com-

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munism, is now deeply desirous of "consolidating communist construction" within its own domain and has unquestionably abated its early missionary zeal. For the United States, the counter-pledge will involve continuous federal vigilance over activities of individuals or groups contravening many of our existing neutrality laws, e.g., respecting filibustering expeditions. Of prime significance is the American pledge to stamp out the activities of persons having "as an aim the overthrow, or the *preparation for the overthrow* of, or bringing about by force of a change in, the political or social order of the whole or any part of the U.S.S.R., its territories or possessions." It will be interesting to observe whether organized anti-Soviet groups in the United States, irrespective of whether they be former Russian nationals or American citizens, will, after a decade and a half of complete immunity, feel the heavy hand of the federal authorities.

The question of religious guarantees presented peculiar difficulties. Here the initiative was taken by Mr. Roosevelt in demanding for American nationals in the Soviet Union rights which he unilaterally conceded to foreign nationals in the United States. These rights received a degree of definition which indicates that interested religious organizations had made their cumulative *desiderata* very clear to both the President and the State Department. Litvinov's reply was most ingenious, consisting of itemized formal acquiescence in the American demands, accompanied by elaborate citations of existing Soviet law, to give clear-cut content—and limitations—to the rights conceded. So far as the Soviet government is concerned, these rights are strictly one-sided, as no corresponding religious or anti-religious rights were, according to the documentary evidence, claimed by Moscow. The American victory on this point looks very large, but the guarantees must operate, in practice, subject to the limitations imposed by the Soviet conception of public order and safety, and Soviet tax ordinances. The present extreme solicitude of the United States over the religious rights of its nationals is a far cry from the day when Jefferson, in concluding a treaty with Tripoli,[47] laid it down as a fundamental postulate in our diplomacy that "the Government of the United States is in no sense founded on the Christian religion" and that no considerations arising out of matters of religion would

[47] Treaty with Tripoli (November 4, 1796), Art. XI. W. M. Malloy, *Treaties, Conventions, etc. between the United States and Other Powers*, Vol. II, p. 1786.

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be allowed to trouble our mutual relations. This was doubtless true only in an era that knew not the varied techniques of religious pressure groups.

On the issue of legal protection for American nationals, regarding which bar associations do not appear to have been overly solicitous, all that the Soviet government was prepared to concede was most-favored-nation treatment, modelled on the Soviet-German treaty of October 13, 1925. More it appears to have been impossible to extort. In particular, the right to private interviews between accused and consular or diplomatic representatives was not granted. In consequence, President Roosevelt proceeded, in his acceptance of the Soviet formula, to do a little defining, which Litvinov appears to have at least tacitly accepted, especially of "the right [of Americans] to a fair and public speedy trial" and "the right to be represented by counsel *of their choice*." As matters stand, it would appear that American nationals will enjoy tolerably good protection in Soviet courts—a protection hardly likely to be troubled, in view of Litvinov's explanations, by unfounded charges of economic espionage. Again it is to be noted that the guarantees are entirely one-sided, as no counter-demands were put forward in respect of Soviet nationals potentially falling afoul of, say, American criminal syndicalism legislation.

The degree of economic liquidation effected by the settlement, while by no means complete, considerably simplifies matters. The debts of the tsarist régime to American nationals, as well as those of the Kerensky government to the United States, were left for subsequent negotiation. What was actually accomplished was to leave undisturbed by Soviet hands the settlements reached in American courts in the course of a dozen or more years of private litigation. The Soviet government preferred to keep its hands entirely free from capitalist court awards or administrative decisions, renouncing its rights to such small grist as our judicial machinery has hitherto ground out, or such arrangements as the federal government has effected "relating to property, credits, or obligations of any government of Russia or nationals thereof." This blanket non-interference with the workings of the American judiciary is likely to create, in the long run, a far-reaching legal presumption—that the United States should accept with equal finality the judicial or administrative decisions of the Soviet régime regarding American properties, credits, or obligations in the Soviet

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Union. It is, of course, quite possible that the prospective "final settlement of claims and counter-claims" may eventuate otherwise, but the legal postulates of future Soviet action in this regard appear to be already clear.

The final part of the settlement was distinctly political. While ostensibly dealing with military and economic claims, it in fact marked the complete liquidation, politically and legally, of the American military adventure into the Russian Far East in 1918–19. In a single note to Mr. Roosevelt, Litvinov waived completely "any and all claims of whatsoever character arising out of activities of military forces of the United States in Siberia or assistance to military forces in Siberia subsequent to January 1, 1918." This cleared completely the Far Eastern angle of Soviet-American relations. The reasons given by the Soviet commissar veil only thinly the realities of the situation. To strengthen the Soviet Union's position in the Far East, there must be a clean bill of health—a complete legitimation of status and possession. In consequence, Litvinov professed both ignorance and enlightenment as to the real attitude of the United States between 1918 and 1921. There develops, consequently, in his note a studied anachronism: the United States is pictured as having striven during this period to affirm and safeguard "the inviolability of the territory of the Union of Soviet Socialist Republics." There is more than mere chronological carelessness here: there is the obvious intention to affirm as of 1933, as against any possible challenger, the undeviating policy of the United States[48] upholding the territorial *integrity* of Russia—a concept which did not prevent the military occupation of the Maritime Province—by restating it in terms of territorial *inviolability* consonant with Litvinov's London Convention of July 4, 1933, whose provisions would brand a military occupation as *prima facie* aggression. As compared with the importance of parrying a potential Japanese thrust at the Soviet Far East in 1933, the value of pecuniary claims for the events of

[48] Cf. the statement issued by the Department of State on August 3, 1918: ". . . the Government of the United States wishes to announce to the people of Russia in the most public and solemn manner that it contemplates no interference with the political sovereignty of Russia, no intervention in her internal affairs—not even in the local affairs of the limited areas which her miltiary force may be obliged to occupy—and *no impairment of her territorial integrity, either now or hereafter*. . . . The Japanese Government, it is understood, will issue a similar assurance." *Foreign Relations of the United States*, 1918, Russia, II, p. 329.

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1918 was insignificant. Therefore a successful bargain was driven, and the Soviet government "agreed" to waive claims. The political compensation was more than adequate. It once more left Siberia under special American solicitude and reëxpressed a policy explicitly America's since the time of the Washington Conference.[49] Thereafter the United States could, with great magnanimity, conveniently withdraw her fleet from Pacific waters.

Viewed objectively, there is now a new and basic normalcy in Soviet-American relationships. It is explainable partly in terms of the changed political and economic ideology in the United States; partly in terms of the conscious realization, at Washington and Moscow, of common interests throughout the world. The sixteen-year misunderstanding, born of the ill-starred interventionist policies of reactionary American diplomats in the field, has been cleared up by the direct diplomacy of the Roosevelt régime, which has established the major orientation points to guide both countries. The inert ideology of preceding administrations, content with playing with the shadows of a defunct régime, has been supplanted by a dynamic conception of the rôles which the two countries must inevitably play into the long-distant future. This *rapprochement* is not, as were the earlier intimacies of the two countries, the accident of a momentary conjuncture of auspicious circumstances temporarily neutralizing the basic antagonisms of antithetical régimes; rather is it the rational resultant of a conscious reorientation of historic forces, the scientific product of planned change.

[49] It need hardly be recalled that the agenda of the Washington Conference of 1921 placed the territorial and administrative integrity of Siberia first on the topics to be discussed after China had been dealt with. Obviously the United States had in mind guarantees for Siberia quite comparable to those given China in the Nine Power Pact. Cf. Report of the American Delegation, in Senate Document 126, 67th Cong., 2nd Sess., p. 790.

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THE ECONOMICS OF THE RECOVERY PROGRAM

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From Aristotle's day to this, the subject-matter of economics has been recognized by political scientists to affect very greatly the institutions with which the latter deal. In our own time, studies like those of Professors Charles A. Beard and Arthur N. Holcombe have carried the great bulk of American political scientists over to a primarily economic interpretation of political history. It is not too much to say that there has been some danger of political scientists conceding too much common ground to the economist's psychology and methods.

The economist, on the other hand, has for some decades at least, both in this country and abroad, had scant patience with political science. He has given even less recognition to the bearing of political factors upon the simple assumptions upon which his economic science too often rested. F. Delaisi characteristically wrote of *Political Myths and Economic Realities,* without much regard for a test of whether the myths might not be the more powerful realities in terms of survival value. "Politics" was something which, in an annoying and "unscientific" way, occasionally interfered with the operations of man as a profit-making animal. Politics was rarely thought of as a statement of those psychological motives and controlling social institutions which corrected or conditioned at every stage the jejune motivation and the mechanical equations upon which most economic generalizations rested.

Within the past years, however, economists like J. A. Hobson and A. C. Pigou have begun to inquire into the nature of "welfare economics." J. M. Keynes, too, has made a notable confession in the August (1933) *Yale Review* of the necessity of allowing politics some weight in the art of estimating any economic trends. Perhaps it may not be too much to hope that this paper will serve a dual purpose: not only to bring to political scientists a consideration of the economic factors which condition a political program like that of the New Deal, but equally to recall to our brothers among the economists that man is, after all, primarily a political animal. He *will* try to control events.

I propose to take as my text a criticism of the New Deal as given in a rather typical and moderate statement of the economists'

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position. Some of my colleagues at Harvard find it a simple business to judge the economic merits of the President's program;[1] the seven worthies who recently pronounced sentence on the New Deal were singularly unanimous for academic critics. Their simple answer to the merits of the program was like President Coolidge's laconic summary of the preacher's sermon on sin: "Against it." With one or two exceptions of a not very vigorous character, this group among the Harvard economists took the line that the program was a mistaken one from start to finish.

Professor Schumpeter brought all his persuasiveness and learning to bear on proving that "depressions" have in the past cured themselves and that government interference does nothing but harm, aside from measures of relief necessary to avoid revolution; political causes may help to bring on depressions, but political remedies cannot cure them. Professor Edward Chamberlin, in a brief but lucid and subtle analysis of "purchasing power," pointed out the danger that "consumers' purchasing power" might be stimulated by public works programs and the like without giving permanent help either to private employing power as a whole or to the heavy, "capital goods," industries in particular.[2]

In what is perhaps the most balanced effort in the volume, Professor E. S. Mason, after showing what conditions in "Controlling Industry"—or their lack—had produced the New Deal, makes the pithy criticism that the codes as at present conceived necessarily must raise prices and tend to create cartels, or they will be meaningless. If they raise prices and wages in a manner that is "uneconomic," they will be a positive danger. Like most other commentators, he approves of the fair competition and publicity features for price policy in the codes for the trade associations; he sees the social gain of stamping out child labor and racketeering. But he fears, rightly, the price-fixing elements of the codes, as much in the "open price" and "marketing agreement" provisions

[1] *The Economics of the Recovery Program*, or as the publisher's jacket chose to call it: "a candid and vigorous discussion of the New Deal by seven Harvard economists." The names of Professors Taussig, Gay, Bullock, Burbank, Monroe, Usher, and others were absent, and a group of half a dozen tutors chose to differ by sending a joint letter to the President assuring him of their support of his program, particularly of his monetary policy.

[2] This is the main burden of Leonard P. Ayres' criticisms. The opposite economic theory has as its most cogent expositor John A. Hobson, especially in his *Work and Wealth*.

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as in the more direct instances. He is also properly skeptical of the wisdom of giving a code authority power to limit the investment of new capital in an industry, as is contemplated in the cotton textile trade code. But he rests these assumptions on a largely undefended premise: that competition is the only method of preventing price gouging and that political regulation is hopeless as a means of controlling monopolistic tendencies to raid the national income for an "uneconomic" share.

The other essays include a very judicious, though somewhat non-committal, analysis of the monetary policies of the government by Dr. S. E. Harris, and some other analyses showing that, in the opinion of the writers, none of the classes which are alleged to be the beneficiaries of the New Deal will derive much real help from it—farmers, laborers, or middle class. In a concluding chapter, Dr. O. H. Taylor, taking to heart the political theorists who are dearest to many economists because of the similarity of their simple psychology of motivation—namely Machiavelli and Hobbes —has some sage observations to make on the inevitability of political pressure groups upsetting the apple-cart of sound economics. But he has little hope that political control can cure unsound economics.

My own feelings about these efforts of my colleagues to stick to Harvard's motto of *veritas*, even at the cost of saying some unpleasant things about a Harvard man's New Deal, are considerably mixed. But so are the policies behind the New Deal. How is it possible to reconcile the new land settlement policy, not limited to mere subsistence farming, with the strenuous efforts of the A.A.A. to discourage farm production? How can we increase our foreign markets without being willing to absorb more goods? How can we buy gold and still hope for world prices to rise? It looks like a case of Don Quixote (through Stephen Leacock's version of Cervantes), who mounted his horse "and went riding off rapidly in every direction." This question has obviously presented itself to Secretary Wallace, as witness his recent thoughtful pamphlet *America Must Choose*.

In favor of the economists' analysis is the sound proposition that if recovery is to come by capitalist methods, capitalism must be given a chance. A capitalist economy requires the possibility of real profits and an ultimate adjustment of economic forces by the play of the market. Even if one accepts the capitalist methods

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and aims, as the New Deal professes to do, against these economists' analysis is the quite elementary proposition, nevertheless true, that when political interferences have falsified the hypothesis of a free market so completely as was true in 1932, drastic political remedies must sometimes be applied to allow economic forces to come adequately into play. An additional and quite important political factor that the economic physician is apt to neglect is the psychology of the patient.[3] Tell him to bear up bravely and suffer another period of helplessness in order to let the system purge itself, and he *may* take advice. But if he is in acute pain and very much depressed, almost any symptoms of easement and recovery will increase his morale and hasten his cure. *The will to to get well* is important. The psychology of business cycles is sometimes curiously like a mild attack of manic-depressive insanity, both on the up-swing and the decline. "Depression" is a well-chosen word.

In fact, just these psychological factors have been neglected by most of the seven Harvard critics—even though they are accused in some quarters of echoing the words sometimes attributed to the restored Bourbon: "*Je n'ai rien oublié—ni rien appris!*" The conflicting elements in the Administration's program are due partly to a desire to leave political doors open, and partly to a question of *timing* the moment to change one policy for another.

But the economist is quite right in thinking that organic or chronic ailments are not to be treated in this manner. My quarrel with their diagnosis, on the whole, is that they treat the patient's constitution as sound enough up to 1929 or 1930, whereas radical treatment for the disease of special-interest legislation and an ungovernable fancy-flight were indicated long before then. The banking system required drastic overhauling. The tariff system had already pushed us parlous close to economic isolation and the ultimate loss of our foreign trade and loans. Furthermore, it was evident that the creation of a frantically inflated credit base, derived from war-loan expansion of government credit and subsequent

[3] A quotation from Cicero (*De Republica*) may serve to show the antiquity and the universality of this problem: "Our ancestors had perhaps a plan for the relief of debtors similar to the plan which had occurred to Solon of Athens a short time before, and which at a later date suggested itself to our own Senate. . . . It was always the practice in such emergencies, when the common people were suffering from a public misfortune, to seek some remedy and alleviation in the interests of the public safety."

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speculation, had to be liquidated in some way that would require a major, a Solonian, operation. When it became evident that the cumulative forces of deflation were working so unevenly as to imply a catastrophe to the whole banking and insurance structure if they were left alone, it became equally clear that something in the nature of a monetary operation of an inflationist character would be necessary to put debts on a level that could be liquidated in any orderly manner.

The school which held that America, by retention of the gold standard in 1933, could have effected a basis for liquidating this private and public debt structure,[4] had to count on a concerted and immediate rise of world prices. But from the Ottawa Economic Conference in the summer of 1932 onward, Mr. Neville Chamberlain had shown that the British government was opposed to any action, monetary or not, sufficiently drastic to effect any rapid rise of prices. At the World Economic Conference a year later, Great Britain was joined in this attitude by practically all the "gold-bloc" countries, led by France and Holland, though the British policy was opposed by her own Dominions and India, and by most of the countries which exported commodities. The difference in point of view was understandable, though it may well have been short-sighted on the part of the European powers. They stood to gain, in the short run, from the extremely depressed prices of their imports which had resulted from a commodity glut of world-wide proportions. But of course they lost in exports to the degree that purchasing power was depressed in their commodity-producing overseas markets.

Nevertheless the policy of the British government and of the "gold-bloc," based on the doctrine that the artificial stimulus of a price rise would not long help producers of surplus commodities, was a known factor in the American equation. Equally it was true that Great Britain had already let sterling exchange slide so low in "finding its own level" (with the aid of a huge equalization fund) that not only were such American industries as competed for exports handicapped, but the cotton growers whose prices were largely established by Liverpool markets found themselves accepting record low prices as sterling continued to drop.[5] Faced by these

[4] This debt was alleged by economists to have reached colossal proportions, variously estimated at somewhere between 160 and 200 billion dollars.

[5] Those who allege that, regardless of its effect on our own price level, we should

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facts, we could not stabilize at the then-existing exchange rates. If we were forced, as we were, to undertake a domestic price rise on a "go it alone" basis, we had to let the exchange rates go, and the gold standard with them. This was also indicated by the corollary problem—the possibility of repaying debts rather than scaling them down by general bankruptcy.

No doubt there was some truth in the contention that it was a surplus of commodity stocks rather than an actual gold shortage that broke world prices. But there was also the other truth that declining prices had gone along with gold sterilization and gold hoarding to such a point that even the most heroic limitation of production, such as was called for by Neville Chamberlain, would not have prevented the accumulation of stocks. Nor was limitation the proper economic method. Until a bottom had been put in prices and an upturn recorded, the forces working toward resumption of normal demand showed no evidence of reappearing. The general stagnation of trade was such that the only elasticity of demand was in shrinking, not stretching.

The American policy of going off the gold standard was something more than a psychological threat of inflation which produced a momentary upturn of prices in the United States. Coupled with the sweeping powers of inflation and (or) devaluation of the dollar as given to the President by the Thomas amendment[6] to the Agricultural Adjustment Act, the act of taking the United States off the gold standard produced the conditions which would make it possible to force down the value of the dollar on sterling and gold exchanges. Ultimately, the dollar was to be revalued in terms of gold, as it now has been at $35 instead of $22.67 an ounce (roughly a fifty-nine cent dollar in terms of its former gold content). By

have accepted the new sterling level of something around $3.50 in terms of gold dollars, sometimes argue that the old parities of 1929 represented an overvalued sterling in the light of trade balances. But it may be that both sterling and dollar in 1931 were overvalued for purchasing power and required a new orientation toward gold that would stop the contraction of world credit. If domestic prices in the United States respond to the new gold content of the dollar, the old parity with sterling, or something like it, may be resumed without too much difficulty for either country.

[6] These powers included not only the right of the Treasury to issue securities to a value of three billion dollars, to be taken up by the Federal Reserve system, but also the discretionary right to alter the weight of the gold content of the dollar to as little as fifty per cent of its former amount. A further power to issue three billion dollars of "greenbacks" was qualified by the limitation that this might be done only for the purpose of redeeming government securities.

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this Act a powerful weapon was given to the Administration to force a general price rise through driving Great Britain and France to new gold-contents for their currencies. It is true that the initial stages of such a program—until the price adjustments were completed—might be deflationary in tendency toward gold currencies. But the ultimate effects would be such as to expand the total credit base, and hence to raise prices rather sharply. Naturally, if this step were taken too precipitately, or if the normal forces of recovery were further impeded by artificial price restrictions in terms of the new gold content, its aim might be delayed or even defeated altogether.

It was this fear of too precipitate action which probably led to the temporizing policy on the part of the United States government of purchasing gold, first in the domestic and then in the open market. Whatever may have been the constitutional or statutory aspects of having the R.F.C. purchase gold by the sale of its debentures abroad, the policy served to give notice that Mr. Roosevelt did not propose to allow a recession of domestic prices. This came at a time when such a recession threatened, when the N.R.A.'s wage policy had produced a sort of "dead center" for industry, when commodity prices had ceased to respond to the existing depression of the dollar on foreign exchanges, when, indeed, the dollar threatened to rise in terms of all other currencies. The combination of these factors with the prolonged delay in undertaking the program of public works under the latter half of the N.I.R.A. all produced a demand for immediate inflation of widespread proportions. The "gold-purchase" policy served at least the useful purpose of scotching this demand and initiating a new steadying of prices on the upward curve. It is true that it produced this effect more by the threat of its ultimate potentialities than by any immediate purchasing of gold. But that is as it should have been. Such flight of capital as took place merely eased the dollar down to the level at which stabilization could later be accomplished. It was as painlessly conducted as a major operation of that character could well have been.

In the meantime and at long last, genuine steps were being taken to ease the relief problem where it was most painful. Public works programs were gradually undertaken to the tune of some hundreds of millions before 1933 was ended. But at the same time the hopelessness of getting the larger program (which involved a

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possible outlay of over three billions under Title II of the N.I.R.A.) under way in time to prevent widespread suffering led the Administration to inaugurate a Civil Works Act, frankly intended for relief purposes. By supplying federal funds on a large scale (up to $550,000,000 by May 1, 1934) and under the principle of the grant-in-aid to supplement local funds, the state and local governments were encouraged to transfer men from purely-relief funds to employment thirty to forty hours a week on local improvements. Though inevitably a great part of these funds were spent, from any strictly economic point of view, in waste efforts, the total effect was to inject purchasing power at the most necessary point and to improve public morale out of all recognition. Hopelessness disappeared and men accepted any work as better than none. Added to the Civilian Conservation Corps of about 300,000 which had been recruited for forestry purposes from June onwards, the C.W.A. helped to make good the slowness of the P.W.A. program.

This redistribution of national wealth by a high-wage, reduced-hour program under the N.I.R.A., coupled with the freest possible spending program, and a sort of capital levy by devaluing the dollar's gold content, implied an acceptance of the theories of the Cambridge (British) school of economists. The alteration of the monetary base alone would not produce the right speeding up of consumer power or a proper new level of prices. Only by pumping the money into the hands of those who would accelerate the velocity of its circulation—by taking it away from the saving classes—could the result be reached. Certainly a considerable trial of the Hoover policy of waiting for the storm to lift had produced small evidence that enough water had run off to leave our economic vessel of state floatable on an even keel.

If I may be permitted to ride that well-worn figure of speech a little hard, bankruptcies and receiverships had not pumped the water-logged compartments evenly and there was a heavy list to port, where the cargo of farm and realty mortgages had shifted, with no guarantee that the whole burden of banks and insurance companies might not follow. The devaluation of the dollar, plus a bold public works program and an arrest of falling prices, did tend to lighten the ship. The processing-taxes and limitations of production under the A.A.A. simply involved throwing cargo overboard. Even though the effects of increased costs under the N.I.R.A. might well tend to upset the equilibrium desired between in-

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dustrial and agricultural prices, heroic measures had nevertheless to be taken in view of the hopeless conditions of the usual sources of relief—world markets. Temporary relief indeed was granted to our own system by transferring some of our surplus and sodden cargo to the world market through exchange depreciation, as a result of this maneuver. But the relief can at best be only temporary unless a new gold basis can be made to serve as the beginning of a reopening of world trade all around. To tide over the depression, agricultural export crops will have to be jettisoned—or restricted. But that is only short-run relief at best. Only if the pumps can be got to work through generally increased consuming power—and that means raising the level of exchangeable production, not lowering it—can we be refitted for prosperous voyages in the old ship. Otherwise our cruising for trade will have to be done on inland waters, with a vessel of entirely different design and more limited cargo space.

For the moment, in the absence of any apparent change of heart toward raising prices by joint international policies, our national aims have necessarily been somewhat tentative. We were engaged upon a redistribution of wealth, but we stood a considerable chance of losing the support of our capitalist classes for a new recovery program, and even for the borrowing necessary to finance public works and relief. Direct inflation would make sabotage by the capitalist inevitable and would equally work graver hardships on the laborer and the small investor than on the larger capitalist. It might quite possibly get completely out of hand if it destroyed the power of the government to borrow.

The result was that the Administration's policy, shrewdly calculated politically, became quite unintelligible to the economist. Why refuse veterans' relief and cut down the expenses of the state for its "normal budget" and then bet these or larger sums on the pack of cards with initials on them that made up the New Deal? Were not the latter, too, in the words of Alice, "only a pack of cards?" Did not the state pay the bets, no matter how they were shuffled? But not quite. Lenders took pleasure in the virtue of Mr. Louis Douglas. To cut down the number of the "permanent bureaucrats" reconciled them to an increase in those alleged to be "for the emergency only." Lenders also preferred to get interest on loans rather than have the government printing presses take away their claims. Gradually a conviction spread that if the new

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sixty-cent dollar could bring back a market for bonds and profitable employment for capital, it would be better than to take the fifty-cent, *or less*, settlement on the dollar that general bankruptcy would mean. True, devaluation worked unevenly. But shrewd investors could protect themselves as well or better in rising markets than in general deflation. There is also a human, that is to say a political as well as an economic, limit to any squeeze game, even through the stock market.

Naturally, the rigors of the Securities Act, with the loopholes it left for future legal blackmail, did not please investors or investment bankers. Much of it—as much as was founded on the English Securities Act and the Companies Act—was sound. The excessive provisions of penalties, however, tended to check any speculative issues and to restrict unduly the flow of private capital into legitimate new issues.

Add to this that bankers were also disturbed by being called on to aid industry by liberal lending at the same time that, in order to qualify for deposit insurance, they were told that they must be able to stand the most rigorous inspection of federal bank examiners, and some of the grounds for opposition to the New Deal by those qualified as "money changers" appear clearly enough. The Glass-Steagall Act, though its principal author originally intended it to guard against the speculative mania of the nation, by amendment grew to include deposit insurance (up to one hundred per cent for small depositors). Under these conditions, lax banking can be handled only by stringent inspection, and probably not adequately by that. The East was by no means happy at having to put its eggs into the same basket with the South and West.

In other ways, too, political control over banking was so extended as to cause the bankers grave misgivings. Abuses that required the divorce of issuing houses from banking, and from holding-company control of both, were generally admitted. But the control of the Federal Reserve system over the investment portfolios of their member banks is all the more unpalatable when the linkage of the Federal Reserve Board to the Treasury becomes more evident. Andrew Jackson's policies have been imitated and extended to actual control of "the Bank," rather than mere opposition to it. Not only does the Treasury get the gold profit of devaluation, but also control of the exchange equalization fund of two billion dollars taken out of this sum. The Treasury can, under the

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Thomas amendment to the A.A.A., force its securities on the Federal Reserve. And the political control of the Board is in any case assured.

Here, too, however, there are converse aspects. It can hardly be doubted that stabilization at the preliminary gold figure announced ($35 an ounce) was forced on Mr. Roosevelt, whether he desired it or not, by the government's budgetary deficit for emergency expenditures. He could count on finding (by a capital levy, through taking the profit from devaluation) about three billion dollars for his prospective deficit of some seven to ten billion dollars for the 1934 emergency budget. But he had to borrow the rest—or print it. The banks also could point to the new powers of the Reserve Board for open-market operation granted by the Act, and to the fact that the Reconstruction Finance Corporation, inaugurated by Mr. Hoover to come to their aid, had under his successor enormously extended the range of its beneficent intervention to prevent "freezing" in important individual instances. Its responsible head, Mr. Jesse Jones, wished to extend these operations into direct commercial banking for further control of industry under the N.I.R.A.

Unfortunately, from the banks' point of view, this works both ways. Mr. Jesse Jones controls many times more credit that did Mr. Wiggin at his best (or worst). By buying voting shares in banks to bolster their capital stock, the R.F.C. holds substantial control in a startling number of instances. Its intervention to name the chairman of the board of a Chicago bank showed that this is not an empty power. Further, the R.F.C. is at present almost the only source of new credit on a large scale. If its functions are extended to making loans to small business men, banks will feel a direct competition. So far, they have been glad to have the R.F.C. make the doubtful loans, even to themselves. From now on, they may view this formidable instrument of state capitalism as a gigantic and usurping rival, just as some of the utility companies view the T.V.A.

But the answer to criticisms of the government's credit policies up to this time is that they have supplied credit which was not otherwise forthcoming. If private credit is too prostrate to lift its head, it can hardly reproach the State for intervention. And if private credit has learned nothing, the State will undoubtedly have to continue to act as the controlling organ. But here, as

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everywhere else, it seems better to have the State entrust the actual supplying of credit to professional bankers, subject to the State's regulation, inspection, and to a form of control by both Treasury and Central Bank. The prospects of a wiser handling by a federal bureaucracy of the details of credit in a rapidly changing industrial picture do not seem flattering. Though the State must concern itself with general monetary and credit policy, it can hardly carry out the whole of detailed banking administration without bogging down in hopeless red tape and routine. It has a right to lay down normative and regulative legislation for banking and investing, as well as for stock exchanges. It cannot effectively run these things itself, and it must be careful not to make their normal functions impossible. Assistant Secretary John Dickinson's strictures on the Rayburn bill for controlling the stock exchanges seem generally sound.

The ever-present danger of State action in supplying and controlling credit is that private credit will simply atrophy or be wiped out. The only defense of the State's action is that private credit had already ceased to function. The State, if it does not intend to supplant private credit entirely, must therefore restore the requisite confidence in the prospects of profitable employment of capital. Any monetary maneuver requires to be carefully checked to prevent a spurious boom through credit inflation that will not alter the total picture of the nation's economic maladjustments. Nor can state expenditures do more than give a breathing space and new vigor to production. If they are not conducive to readjusting the balance between agriculture and industry, and between the consumption goods industries and capital goods industries, the whole process of economic maladjustment and depression repeats itself, with the State's credit no longer available as a steadying factor.

Private business must therefore at all costs be revived. In this respect the N.R.A., though it means a possible stabilizing of production on a lower level for the time being, does seem to have afforded to business a relief from price declines. If wage levels in real wages can be raised in the lower brackets and reduced somewhat where they were out of all economic line, both by means of the operation of the N.I.R.A. minimum wage and by the devaluation of the dollar, business may once more become profitable. But this depends upon not having to force through the drastic

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readjustments that economic isolation would involve, with the loss of both foreign loans and foreign markets. The devaluation of the dollar, if its effects are controlled, would put us back on a competitive world level. If recovery can take up the slack in unemployment and relieve the State of the C.W.A. and other drains, the race between capitalist recovery and state-capitalism will be won by the former.

Political statesmanship thus has to remedy the break-down of an economic machinery in which the profit motive proved to be not an all-sufficient dynamic to recovery, certainly not an automatic adjustor of the whole mechanism. The economist, however, can quite legitimately ask the political controller where the latter thinks that the operations will land the economic system. The economist has a sufficient body of past evidence to indicate that if the State wishes to retain a predominantly private-capitalist economy, it must do so by maintaining the conditions of a profit economy. Raising wages and shortening hours can be carried too far. If the State is bent on a reform so radical as the general substitution of state-capitalism throughout industry, it must face the problem of a price policy that will also adjust agriculture to levels of probable consumption. Even in the most radical political solution, the planned economy of a totalitarian state like that of Russia, the consumer also remains a factor in regimenting production to the State pattern.

But the political scientist can claim with some boldness that economic "laws" are fictional limits of about the same character as the concepts of juristic sovereignty and of law, and susceptible of the same corrections. He can correctly assume that traditional economics has not concerned itself with problems like the exhaustion of natural resources, and that the extractive industries (including some types of farming) impose upon the State a definite duty to control production in the interests of the future as well as the present. The New Deal's most interesting efforts have come in this field, not only in the C.C.C. and the A.A.A., but in the codes for lumber and mining industries, particularly coal and petroleum.

Finally, he can claim with justice that political experimentation can within limits alter the conditions on which the economists' assumptions rest. The boldest political assumption of this reformist order is that of the Marxian socialist who would attempt to regenerate humanity from the whole psychology of private profit on

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which traditional economics is based. Without attempting so sweeping a transformation, democratic and constitutional governments are trying to furnish the control over the economic mechanism which will limit the speculative swings and unlimited greed of private capitalism. By experiments in directing the volume and the flow of credit, in state-corporations (like the T.V.A.), in regulation of public utilities, in imposing new limits on industrial warfare between capital and labor, the New Deal is conditioning the assumptions of the economist. But unless it is prepared to go much farther toward the ultimate Marxian goal than is now indicated, it cannot safely dismiss the warnings of the economist as to the conditions under which recovery can take place within the capitalist system.

If we do get a steady progress toward business recovery and the restoration of private capital to its necessary rôle, many of the factors of the N.I.R.A. and the A.A.A., and the rest of the pack of New Deal cards which limit production, will naturally and gradually disappear. But a stabilizing control over state-supplied credit and a more organized industrial self-government ought to remain as permanent contributions to our national life.

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A LATTER-DAY TYRANNY IN THE LIGHT OF ARISTOTELIAN PROGNOSIS

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The world as Aristotle and his contemporaries saw it was already a spent world. Its original creativeness had flowered during the sixth and fifth centuries in an outburst of discovery and invention in political and social as well as in literary fields. By the middle of the fourth century, it was the turn of the philosopher to take the results of the discoveries, and synthesize and publicize them in such a way that all the Greek communities should be enabled to work out the combination of forms of society and government best suited to their needs. The study made by Aristotle of the states of his own day maintained its authority across empire and into nationalism, through antiquity and the Middle Ages, up to the threshold of our own modern capitalistic civilization. From that time, however, a new era of inventions seems to have erected an insurmountable barrier between the old and the new, and the relevance of earlier thought for modern problems is called in question.

It must be admitted that "capitalism" and "socialism" are misnomers when applied to the simple economics of an agrarian and trading population of the fifth and fourth centuries before our era. The tenseness of the modern economic struggle invites the adherence not merely of the expert in economic and political theory, but also of the floundering victim to one or another of the rival dogmas such as Communism or Fascism. The parallel struggle is worked out in other terms by ancient historians and philosophers, who share, in spite of their apparent calm, in the passion of their contemporaries. The undisciplined mob of the city state, that ultimate and worst form of democracy, and the self-seeking tyrant, that mixture of the worst features of the inferior political forms, democracy and oligarchy, enact their dramas for political power in terms of constitutions and only subconsciously in terms of economic advantage. The modern reader experiences a sense of remoteness and craves the familiarity of such terms as "diminishing returns," "gold standard," "planned economy," and all those other key words which explain, or purport to explain, the *malaise* of the rheumatic world mechanism of today. Yet if a limited interchange

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of terminology is permissible, a transfusion of spirit can be effected, and a new meaning enters the old forms.

Aristotle saw clearly the dangers of the capitalistic, or what he calls the aristocratic, state. In spite of personal bias for this type of state, he was far too hard-headed to reject the facts of the world as he found them empirically. The aspirations of the capitalist class, in which efficiency and wealth are already transmuted into the claims of birth,[1] are submitted to an extremely odd mathematical test. A peculiar kind of equality is Aristotle's requisite for the enduring state. The equality is of two sorts, numerical and proportional. Both kinds are necessary for the ideal polity. The democracy represents the numerical type, in which each individual is the equal of the other in the impact he makes on the organization of the state, a point of view in which Aristotle approaches the socialist basis of society.

The other equality is more difficult to understand. Inherent in it is a measure of inequality. Within the equality of number exists individuals of differentiated capacity. In the model state there might be only one hundred of this class as opposed to many times the number in the other. Here Aristotle shows that he would not have misunderstood the claim of capitalism as against the vast proletariat in the world today. The ideal state is neither the one nor the other exclusively. The claim to rule on the basis of equality of number, one individual counting as one and no more, is accounted unjust, and rightly so thinks Aristotle, by those who are convinced that they possess unequal or special capacities. Yet proportional equality is as unconvincing in its claims as numerical equality. It needs a balance of the two principles in the state to embody what Aristotle regards as social justice. His solution of the fundamental problem is by the old method of the Mean, but it looks strangely like some modern solutions. Here is social and political equality combined with the opportunity for the many to choose as their leaders the men of differentiated capacities. Such is the balanced state, and suitable education is the means of attaining it.

It is necessary to have in mind the outlines of the Aristotelian *politeia*, for which the nearest equivalent is Social Democracy, before turning to the theory of revolution, and in particular the Nazi revolution with the portrait of the *Führer*, in the fifth book of the *Politics*.

[1] *Politics*, 1301b. "Efficiency and wealth in one's ancestors give title to nobility."

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There, after a brief review of his principle of the two equalities, Aristotle inquires into the causes of political revolution. The various types of states are surveyed, and the causes of change from one constitution to another are analyzed. Having pointed out the dangers that await each particular form of polity, he proceeds to show the saving means by which each form may maintain itself for the longest possible period. As the book draws to a close, there is to be found a penetrating analysis of the basis of tyranny, which it is the purpose of the present paper to illuminate by such intimations of the Nazi dictatorship as are afforded by Hitler's own story in *Mein Kampf*, by the excellent commentaries of Mowrer, Hoover, and Wickham Steed, and by the daily and weekly actualities of journals and reviews.

I

"One must first assume that many states have been founded on the principle of proportionate equality, but then have failed to attain it . . . Revolt occurs when one does not obtain the share of power in the state on the particular basis of one's assumption of the proper distribution of power . . . . It is useless to dispose the political institutions absolutely in every respect according to one or the other principle of equality . . . . None of the polities built on such principles is enduring. The reason for this is that the initial error makes it impossible to avoid disaster in the end . . . . For when the men in office begin to display insolence and greed for personal gain there is a new alignment of factions or a revolt against the constitution that offers this opportunity . . . ."[2]

The primary cause for the overthrow of government is the deep-seated sense of wrong. One party is receiving an undue proportion of the gains and prestige that should accrue to all. "It is necessary to take precautions against various sections of the community enjoying prosperity singly or by turns, not simultaneously."[3] This upsets the principle of proportionate equality that guarantees security of government, and a change of constitution results.

There are numerous kinds of changes, depending on the type of constitution with which one starts, and on the type which is evolved as a result of the change. Aristotle is naturally not so dogmatic as are some Greek political philosophers who declare that there is an

[2] *Ibid.*, 1301a–1302b.

[3] W. L. Newman, *The Politics of Aristotle*, Vol. I, p. 535.

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inevitable course or regular succession of constitutions. When he deals with the causes of change, he includes a wide range of possibilities. Among these, two changes fit particularly the upheavals which took place in Germany in the turbulent year before the final success of Hitler and the National Socialist party.

The Social Democracy which gallantly, though of necessity because of the default of the old régime, took over the burden of defeat in the World War comes as near to being the ideal *politeia* of Aristotle as any constitution that man has actually had a chance to operate. When it fell from the moderate hands of Brüning, and von Papen, with the connivance of von Hindenburg, altered it into the close oligarchy which for a time had the support of industrialists and the Reichswehr, men wondered at the inner weakness which caused it to collapse so suddenly. The cause on the surface was economic, as all who were in the throes of the depression could see. The Social Democrats had failed to find remedies, their party was disorganized, and anarchy was rife as a result. Aristotle has a word to say on disorder in a democracy that breeds contempt for its rule: "And in democracies too, the capitalists, conceiving contempt for disorganization and anarchy, [form a faction and assail the government]."[4]

But the inner cause was more than that. It lay far within at the foundation of the Social Democracy and operated cumulatively to bring about its overthrow. Professor Hoover makes the point that the Social Democrats were not ready to take over the government and that their doing so when they did branded them, though all too unreasonably, with the stigma of the defeat. Their reluctance to assume command is reflected in the imperfect way in which they organized the powers of the new constitution. Their errors in leaving in key positions in the army, in the educational circles, in the courts, the survivors of the old régime crippled their effectiveness in realizing the social democracy and opened the doors for the return of an East Prussian military reactionary to power as the president of a pacifically inclined progressive state. "Polities alter without open revolt . . . because of negligence whenever men unfriendly to the form of government are allowed to slip into the sovereign positions . . . . and also because of slight infractions. I mean by that that frequently a significant alteration of the established constitution takes place progressively, but is quite unnoticed,

[4] *Politics*, 1302b.

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if a small deviation is overlooked."[5] Professor Hoover's own words are but a commentary on these principles: "It is one of the maxims of the successful conqueror that the old ruling class must be displaced,"[6] and "they [the Social Democrats] apparently failed to realize that the control of the courts is the most fundamental of all powers and that a revolution which does not secure control of the courts is not really a revolution."[7] The ultimate illegal act of the von Papen *coup* was the utilization of Article 48 of the Weimar constitution to supplant the elected government of Prussia by an appointed commissioner responsible to von Hindenburg and to the cabinet of von Papen. Like the *senatus consultum ultimum* at Rome, the emergency power necessary to maintain public order and safety was used to overthrow the very constitution which it was designed to protect. The whole course of error of the Social Democracy is summed up in the judgment of Aristotle: "The slip occurs in the beginning, but the beginning is accounted half the whole. The result is that the slip, small in itself, has a disproportionate effect on the other parts of the structure."[8]

Errors such as these may well occur in any form of government, and slight illegalities or disproportions of power have their deleterious effects in any case. Aristotle is not blind to the forces outside of the immediate party in power which overthrow polities. In fact, he points to just such disturbances as the growth of the National Socialist party under Hitler and shows how the immediate result of the agitation is to draw together the frightened capitalists into a protective oligarchy. "Above all, democracies change because of the intemperate conduct of demagogues. They compel the propertied class to combine by malicious prosecutions (a common fear unites even the bitterest enemies), and by inciting the masses in a body."[9] It was natural that the big industrialists as a body were not yet ready to accept Hitler as more than a convenient agitator to rid them of the Social Democracy. The result was that von Papen calmly froze Hitler out of the oligarchy headed by himself and von Schleicher.

But oligarchies are in themselves the most vulnerable of governments. "They are overthrown when they breed another oligarchy in their midst . . . . In times of peace because of mutual suspicion they entrust their safeguard to soldiers and a mediating officer who

[5] *Ibid.*, 1303a. [6] *Op. cit.*, p. 38.
[7] *Ibid.*, 37. [8] *Politics*, 1303b. [9] *Ibid.*, 1304b.

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often ends as master of them both."[10] It soon became evident that there was dissension in the von-Papen-von Schleicher combination. "The industrialists were supporting the candidacy of von Schleicher for the chancellorship, while the Junkers were supporting von Papen. Thus the issue was drawn sharply between the two leading personalities of the *Herren Klub* cabinet and between their supporters."[11] The arbiter with the soldiers of the Reichswehr on his side was bound to be the master.

II

"Yet of all constitutions, oligarchy and tyranny are the shortest-lived."[12] The von Schleicher oligarchy was to prove no exception to the rule of Aristotle. Its almost immediate overthrow, followed by the accession of Hitler to the chancellorship, brings the discussion to the basis of tyranny; for that is the only one of the Aristotelian constitutions that corresponds to the dictatorship of the Nazi leader.

Tyranny and monarchy are equated in the mind of Aristotle, who defines governments by the number of persons exercising the sovereign powers. But whereas both forms assume the sovereignty of an individual, "kingship is based on an aristocratic principle, while tyranny is conflated of the extremest oligarchy and democracy . . . . The tyrant is set up out of the people, that is to say the rank and file, to assail the citizens of position, to the end that the people may not be wronged by them . . . . Practically all of the tyrants have had their rise as demagogues, receiving support because of decrying the citizens of position."[13] To comment on the significance of demagogy is superfluous. Any one who is acquainted with Mowrer's moving descriptions of National Socialist meetings can have no doubt of the studied purpose to "brutalize and dominate" the mass of discontents who flocked to the nightly gatherings. If the least shade of doubt remains, let the unbeliever read of "mein rednerisches Talent"[14] which made Hitler the ring-leader at his school, and then remember the formula laid down in the earlier editions of *Mein Kampf:* "The German has not the slightest notion how a people must be misled if adherence of the masses is sought."[15]

[10] *Ibid.*, 1306a.
[11] Hoover, *op. cit.*, p. 78.
[12] *Politics*, 1315b.
[13] *Ibid.*, 1310b.
[14] Adolf Hitler, *Mein Kampf* (1933), Vol. I, p. 3.
[15] Quoted in Edgar A. Mowrer, *Germany Puts the Clock Back*, p. 257.

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"Tyranny," says Aristotle, distinguishing the tyrant from the king, "has no regard for the common-weal save to secure its own private advantage; the aim of tyranny is pleasure (or self-satisfaction), that of kingship true nobility."[16] At this point, Professor Hoover and other generous critics of the National Socialist movement would take issue with Aristotle. They would presumably argue that what appears self-advancement in Hitler is not the end and goal of his endeavor, but simply the means to a greater end, the rebuilding of the greater Germany, the only method of rallying the truest elements of the *Volk*.

Mr. Wickham Steed and Mr. Mowrer think differently. The first, in a penetrating lecture, analyzes the psychological forces at work and concludes that even in the days of his youth in the Austrian capital, Hitler was "a brooding fanatic who only lacked adequate opportunity to communicate his fanaticism to others."[17] The persecution mania was upon him, as it hung over the German people later after the treaty of Versailles, and it is not surprising that one who understood the attitude of mind so well from the early brooding of youth should have utilized the feeling and manipulated the mass at will. The force of an iron will and the capacity for infinite patience were the two great weapons for power forged in this Vienna sojourn. "Because the goddess of Necessity took me in her arm and threatened so many times to break me to bits, the will to withstand grew, and in the end the will remained the victor."[18]

But there is another side to Hitler's growth in this period that cannot be belittled. It is the formation of a *Weltbild* and a *Weltanschauung*, a philosophy of life, which served as the "granite foundation" of his dealing with the world at this time, and which, once formed, he never found occasion to change. The great life hatred of the Jew,[19] the equally great life enthusiasm for the Aryan German race as bearers of civilization, were then conceived to give

[16] *Politics*, 1311a.

[17] *Hitler, Whence and Whither*, p. 59.

[18] Hitler, *op. cit.*, Vol. I, p. 20.

[19] It is, of course, well known that the Greeks had their racial problem, which was met in different ways. Sparta's exclusion of the helots, coupled with systematic pogroms, is the extreme on one side; Athens' leniency to foreigners, or "barbarians," metics and slaves, coupled with the opportunity for citizenship at least down to Pericles' time, balances on the other side. The prevailing notion of the definite inferiority of barbarian to Greek is echoed in Aristotle's attitude toward natural slavery. It is interesting to note that in the period of the Thirty Tyrants, the tyrants sought the property (and frequently the lives) of the rich Athenian metics.

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meaning and direction to his determination to make himself the great leader. But he did not believe that great leaders would of their own qualities come to the attention of mankind. "Sooner would a camel pass through the eye of a needle than a great man be 'discovered' by an election. He who really towers above the normality of the broad cross-section is accustomed to announce himself personally in world-history."[20]

It is important to observe that "the makers of revolutions are viewed by Aristotle with that absence of sentiment which is characteristic of the best Greek writers, as men keen for power, or wealth, or glory."[21] This means that such abstract concepts as the "Völkischer Staat," "Nordic Supremacy," a "Völkische Weltanschauung," whatever their admitted power as rallying ideals, do not in themselves contain the energizing power sufficient to initiate the overthrow of government. Once when the tyrant Peisistratus returned to Athens, he came under the highest auspices, the personal escort of the goddess Athene. The people may have been duped, but historians were aware that the real basis of his power was the support of a body-guard paid by proceeds from the mines. So Hitler may urge: "Indem ich mich des Juden erwehre, kämpfe ich für das Werk des Herrn;"[22] but in the long run it is "*Mein* Kampf," and Jewish contributions are said to have established the position of the *Führer*.

It seems strange that Professor Hoover, who is so perspicacious when dealing with Hitler's foreign policy, should fail to see how completely manufactured is the mass-movement character of National Socialism. He claims that Hitler is not a demagogue but a genius. It is more correct to say that he is a demagogue of genius, for certainly genius need not connote nobility as well as ability. Surely the statement of Dr. Goebbels is significant in this regard: "There is no National Socialism without or against Hitler;"[23] and the judgment passed by Mowrer is much closer to the personal-power basis of tyranny in Aristotle: "This metamorphosis of a deep-lying itch for power into a full-fledged 'philosophy' was also copied from the Russians, the Italians, and the pre-war German Socialists."[24]

But, as Aristotle says, "acts convict."[25] "The safeguard of a

[20] *Ibid.*, p. 96.
[21] Newman, *op. cit.*, Vol. I, p. 526.
[22] *Op. cit.*, p. 70.
[23] Quoted in Mowrer, *op. cit.*, p. 273.
[24] *Ibid.*, p. 274.
[25] *Politics*, 1308a.

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kingdom lies in the troops of citizens; that of a tyranny in mercenaries."[26] It is true that the drilled bands of the S.A. and the S.S. are fellow-citizens, but they are not soldiers in the service of the state and are supported, as mercenaries are, by pay, not from the public treasury, but from the proceeds of mass-meetings and contributions for the cause.

"Tyranny," says Aristotle, "clearly has the evils both of democracy and of oligarchy. From oligarchy it derives its principle of making its goal wealth . . . and of distrusting the rank and file. . . . Oppression of common people, banishment, and distribution throughout different parts of the country are common features of oligarchies and tyrannies. From democracy it derives the principle of making war on the citizens of position and destroying them secretly and openly, and exiling them as rivals and hindrances to the sovereign power. For from them are likely to spring conspiracies, since they wish themselves to rule, not to be slaves. This is the reason for the advice given by Periander to Thrasybulus, to lop off the topmost heads."[27]

The application to the dictatorship in Germany is not hard to make. "Many kindly and idealistic people were deceived by . . . Nazi propaganda in Germany, and it was not until the eleventh hour that Hitler's relations with Thyssen, Big Business, and armament manufacturers became publicly known."[28] A little rewording suffices to drive the rest of the analogy home: suppression of the Communist party, banishment (or involuntary exile), and concentration camps established throughout the country—war upon the men of position, the Jews, their secret and open destruction, their removal as rivals of the real Germans and as obstacles to the rule of the Aryan race. "Heads will roll."

According to Aristotle, tyrannies are maintained in two ways quite opposed one to the other. The first is the more common method and the one more familiar to the world of today. The second is the method of kindly treatment in the course of which the tyrant is metamorphosed into the benevolent monarch, retaining of tyranny only the element of force. It is not departing from the truth to say that the dictatorship of Hitler partakes in the main of the more common variety. "To cut off the preëminent; to eliminate those of intelligence, to suppress clubs and education

[26] *Ibid.*, 1311a. [27] *Ibid.*, 1311a.
[28] *New Statesman and Nation*, Jan., 1934, p. 73.

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and everything else of the sort; to be on guard against every activity from which courageous spirit and self-confidence are wont to issue; to allow no leisure or idle gatherings; in fact, to do everything to keep people all as ignorant as possible of one another. For acquaintance increases mutual confidence. To keep the men in the city constantly visible and in attendance at court. For in this way they are least likely to be up to secret mischief, and they become used to humble thinking if they are constantly servile. . . . To let none of the subjects act or talk in secret, but to have spies . . . wherever there are meetings or gatherings."[29] These are the ordinary maxims of the tyrant in the Greek world which become today arrest, suppression of political parties, censorship, compulsory youth training, parades of the S.A. and S.S., and organized espionage. Even the *Gleichschaltung*—the process by which Nazi sympathizers are insinuated into the councils of employers and employees—is a species of this elaborate system of espionage. The great need of activity led in antiquity to economic ventures and public works, amongst which was the construction of the Pyramids. Today, men are being put back into industry, and a program of public works has been taken over from the von Schleicher ministry. "The tyrant is also a maker of wars to keep his subjects occupied and constantly in need of the *Führer*."[30]

Distrust of friends in particular as having the means to effect what all wish leads the tyrant to honor the flatterer and those humble in their manner of approach. "Rival dignity and independent bearing detract from the superiority and autocratic character of tyranny."[31] Undoubtedly the modern method is more drastic than the ancient, for, as Mowrer states, "a large number of party lieutenants were supposed to be in a condition of permanent financial dependence on their chief."[32] The importance of this principle is recognized by Hitler. Professor Hoover speaks of his unwillingness "to have any one who is even symbolically his superior in the state."[33]

III

The ancient and the modern are closely interwoven in the principles that govern the rise and maintenance of tyrannies. Will the same similarity prevail in their overthrow? Is Aristotle enough of

[29] *Politics*, 1313a,b.
[30] *Ibid.*, 1313b.
[31] *Ibid.*, 1314a.
[32] *Op. cit.*, p. 279.
[33] *Op. cit.*, p. 181.

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a prophet to see the quarter from which the force will come? And how soon can the catastrophe be expected?

The hope of relief in Aristotle is not immediate. To be sure, tyranny is one of the short-lived forms. Even so, it has not always died out with the tyrant who himself grasped the power. The successor has usually proved unable to maintain it; but one tyranny, that founded by Orthagoras, lasted over a hundred years.

Two causes in particular, according to Aristotle, compass the overthrow of tyrannies. One is from without. Some government of opposite character may become more powerful. "That such a government will have the will to attack them is clear; for all men, if they can, do what they will."[34] This government of opposite character would be one ruled by the *demos*. Can it be a Socialist or a Communist form? Russia best fulfills the condition. The anticipation of such a contingency may well lie behind the treaty between Germany and Poland.

The other cause is from within. The movement originates with those who participate in the power of tyranny and are moved to revolt by hatred of or contempt for the tyrant. This alternative presented by Aristotle has little chance of being realized in the present régime. It reckons without the Terror. The Greek tyrant, for all his self-seeking, observed certain limits. Today, there are no limits. Aristotle speaks of courage and passion rising as the result of outrage. Today, not only the will is crippled but the passion is beaten out of the hatred. Such a state of affairs was inconceivable to Aristotle and is utterly alien to the Greek world. "The secret of liberty is the courage to resist" are words without meaning to the prisoner in the concentration camp or to his paralyzed relatives. The only conclusion to be drawn is that the alternative of internal revolt is unthinkable. That leaves a foreign war the only way out.

IV

It at first seems incredible that such complete parallels should exist between political theory of the fourth century B.C. and the political history of the twentieth. The correspondences are not chance or occasional. One can read almost consecutively in Aristotle's account and match detail to detail. The reader has only himself to turn to the text to add to the similarities stressed in this paper.

[34] *Politics*, 1312b.

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It is obvious that Aristotle is not a complete guide to present-day politics. Though he lived in an age of empire-building, he failed or refused to see the political significance of Alexander the Great. Such an individual seemed to him greater than man, a very god as he claimed to be, and not measurable by human standards. The British Empire and the League of Nations are developments which Aristotle could not foresee, and he did not appreciate the federal movement in Greece that was developed under the aegis of Philip of Macedon. These shortcomings in the political sphere are matched in the economic by the limitation of vision imposed by the simple economy of the day. We can, as has been shown, still draw some comparisons with the problems of today, although of course we must admit that the social classes of the Greek state do not adequately represent capital and labor today. Aristotle was unable to predict the possible fall of tyranny, as Professor Hoover has done, from a complete collapse of the economic system.

When all the inadequacies are admitted, there still remains a vast body of analysis of political systems in Aristotle, the importance and utility of which is paramount today. Before the war, it seemed as if the ghost of tyranny had been laid to rest in the Italian city states, and that the emergence of the nation-state precluded anything but some form of democracy or constitutional monarchy in the great nations. We do not feel so sure today. The range of possibilities has widened considerably since nations have begun to look in upon themselves and empires to show tendencies toward dissolution. Revolution and constitutional change are part of the mental climate of the age and cannot be better appreciated and more surely appraised than by a study of the first scientist, who saw them as manifestations of human will having at its disposal the means to power.

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Proposals for a Federal Anti-Lynching Law. A spectacular series of lynchings in Maryland, California, Missouri, and Tennessee last year called nation-wide attention to an alarming increase in mob violence. When Governor Rolph of California openly condoned the San José affair, it was clear that the machinery of the state would not be used effectively to punish the mob. Under such circumstances, it was only natural that besides the wave of denunciation of Governor Rolph there should be a demand for some action by the federal government when the states permit such activities. In response to this agitation, in the first six weeks of the recent session of Congress, nine bills were introduced[1] and were later under consideration by the judiciary committees of the House and Senate.[2]

Such efforts, however, are not novel, but are only part of a series of attempts to have the federal government deal with this problem. The movement for a federal anti-lynching bill received its first active support in the recommendation of President Harrison in December, 1891,[3] that Congress pass a law to protect aliens from mob violence. This was a direct result of the difficulties arising from the outbreak in New Orleans in March of that year, when eleven Italians awaiting trial were taken from the jail and lynched. Louisiana made no effort to apprehend or punish the leaders of the mob. Since three of the victims were Italian citizens, their government protested, under the terms of the treaty of 1871.[4] The United States was forced to reply that it had no authority even to speak in the matter, since under our federal system the states had jurisdiction over such crimes.[5] This failed to satisfy the Italian government, and strained relations ensued, until Secretary Blaine offered compensation to the families of the lynched men.

Following out the President's request, Senator Sherman introduced a resolution instructing the Committee on Foreign Relations to draw up a bill to protect the treaty rights of aliens. Such a bill was submitted, providing that where acts which were crimes under the laws of the states were committed against aliens in violation of their treaty rights, the offenders

[1] H.R. 6157, 6201, 6220, 6470, 6559, 7248, 7395; S. 1978, 2031.

[2] At the date of writing (May, 1934), with the exception of S. 1978, which has been reported by the Committee on Judiciary, the bills are still in the hands of the respective committees.

[3] 23 *Cong. Rec.*, 4549.

[4] Art. 52: "The citizens of each of the high contracting parties shall receive in the states and territories of the other the most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or shall be granted to the natives."

[5] Sen. Doc. 17, 55th Cong., 1st Sess. "Indemnities Paid by the United States to Aliens." *Foreign Relations, 1891*, pp. 658–728.

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should be prosecuted in the federal courts; but that the statutes of the state should define the crime, prescribe the punishment, and regulate the rules of evidence, procedure, etc.[6]

Senator Gray of Delaware led a powerful attack on the bill,[7] on the grounds that (1) it drew its authority from the treaty-making power, but treaties are subject to the same constitutional limitations as are laws[8] and may not invade the field reserved to the states; (2) in adopting state laws there would be an unconstitutional delegation of the legislative power of the federal government to the states; (3) there would be different punishments for the same crime in each of the forty-four states, according to the variations in state laws, which seemed inequitable; (4) such a law would give aliens an advantage over citizens, in the provision for removal of cases to federal courts; (5) there would grow up a considerable machinery for the enforcement of federal jurisdiction over the large number of aliens, paralleling state jurisdiction over citizens; (6) citizens would be subject to double jeopardy for the same crime; (7) the Constitution contains no specific grant of such power to Congress.

Senators Morgan of Alabama and Hiscock of New York defended the bill on the following grounds: (1) Congress has the constitutional power to pass laws to enforce treaties;[9] (2) the federal government was granted by the Constitution jurisdiction over cases involving aliens; (3) it has been a long established practice for Congress to adopt state laws, even though they vary in specific content; (4) this subjecting of persons to trial by both state and federal sovereignties for the same act has been held not to be double jeopardy; (5) this bill was limited in application to those aliens claiming a right under a treaty; (6) the bringing of these prosecutions in federal courts was not essentially different from the right of federal officers to remove suits brought against them from the state to the federal courts. However, interest in the measure died down and it never came to a vote.

What interest Congress had in the lynching problem for a quarter of a century centered mainly on the protection of aliens in their treaty rights.

[6] 23 *Cong. Rec.*, 4549.

[7] For the debates, see 23 *Cong. Rec.*, 1583, 2682, 4093–4095, 4548–4562, 4599–4608, 4653–4667. See also W. H. Taft *The United States and Peace* (1914), Chap. 3; J. P. Chamberlain, "The Position of the Federal Government of the United States in Regard to Crimes Committed Against the Subjects of a Foreign Nation Within the States, *Proceedings of American Society of International Law* for 1908 and 1910; Charles H. Watson, "The Need of Federal Legislation in Respect to Mob Violence in Cases of Lynching of Aliens," 25 *Yale Law Journal*, 561–581 (1916); and the later discussions of general anti-lynching laws. For the broader question of the power of the United States in regard to treaties, see *Willoughby on the Constitution* (1929) Chaps. 33–36, and pp. 326–334.

[8] Citing Prevost v. Greenaux, 19 Howard 1.

[9] Citing Baldwin v. Franks, 120 U.S. 678; see also the subsequent case of Missouri v. Holland, 252 U.S. 416.

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Bills for this purpose were introduced in the Senate in 1893, 1899, and 1908, and in the House in 1900, 1902, 1903, 1905, and 1907;[10] but in spite of frequent presidential recommendations, no action was taken until 1908. In December of that year, the House passed a bill recommended by the Department of State. Its provisions differed from those of the earlier bill by providing that "if two or more persons conspire to injure, oppress, threaten, or intimidate any alien in his free exercise of any right secured to him under any treaty of the United States, or because of his having so exercised the same, they shall be fined not more than $5,000 or imprisoned not more than ten years, or both."[11] Although less doubt of its constitutionality was expressed than had been the case sixteen years before, the bill passed only by the deciding vote of the Speaker. In the Senate it was referred to the Committee on the Judiciary and there died.[12] The proponents of the bill introduced similar measures in 1909, 1915, 1917, 1919, and 1920,[13] but no action was taken. Finally, the Dyer bill of 1922[14] included a clause for the protection of aliens, adopting the form suggested in 1892; and since then the protection of aliens has usually been combined with general anti-lynching proposals.

Until 1921, similar measures on behalf of American citizens, particularly negroes, had even less success. Referring to the problem of lynching in his annual message for 1892,[15] President Harrison urged, this time in the interests of the colored race, that so far as such acts could be made the subject of federal jurisdiction, the strongest repressive legislation was demanded. But the Congress to which this message was directed took no notice of the President's recommendation. In 1894, petitions for investigation of lynching were sent to both houses of Congress, and a resolution for such an investigation was introduced into the lower house. In 1900, Representative White of North Carolina, a negro, introduced a bill for the protection of all citizens of the United States against lynching; and in the following year Representative Moody, later Associate Justice of the Supreme Court, introduced similar bills. In the same year, 1901, Senator Hoar, on request, proposed such a measure, while expressing doubts of its constitutionality, and later for the Committee on the Judiciary reported

[10] 25 *Cong. Rec.*, 210; 33 *Cong. Rec.*, 377, 638, 1762; 35 *Cong. Rec.*, 638; 37 *Cong. Rec.*, 277; 40 *Cong. Rec.*, 112; 42 *Cong. Rec.*, 308, 6791. See also Sen. Rep. 392, 56th Cong., 1st Sess.

[11] 43 *Cong. Rec.*, 166–175. House Rep. 1056, 60th Cong., 2nd Sess.

[12] 43 *Cong. Rec.*, 254.

[13] 44 *Cong. Rec.*, 58; 52 *Cong. Rec.*, 1998; 54 *Cong. Rec.*, 2726; 55 *Cong. Rec.*, 823; 58 *Cong. Rec.*, 123; 59 *Cong. Rec.*, 1759, 6616.

[14] 62 *Cong. Rec.*, 1744. See *infra*.

[15] 24 *Cong. Rec.*, 14. Apparently the first suggestions for a federal law to protect negroes specifically against lynching were presented to Congress in 1892 in the form of petitions from the colored people of Riley county, Kansas, and from the Religious Society of Friends of New York and Vermont. See 23 *Cong. Rec.*, 5272, 5821.

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it adversely. Senator Gallinger's resolution in 1902 for an investigation of lynching met the usual fate and was laid on the table.[16]

The subject did not again come before Congress until 1918, when race riots in Washington itself and highly inflamed race feeling in the South and Mid-West brought the problem once more into prominence. In 1918, Representative Leonidas C. Dyer of Missouri introduced a bill to protect citizens of the United States against lynching in default of protection by the states. Similar bills were introduced in the succeeding Congresses by Mr. Dyer, as well as by Representatives Moores, Gahn, Dallinger, and Ansorge.[17] On October 31, 1921, Mr. Dyer reported favorably from the Committee on the Judiciary the so-called Dyer bill (H.R. 13),[18] based on the various bills introduced, and similar in form to that proposed by Moody in 1901. Later proposals, including those now under active consideration, have followed closely the provisions of the Dyer bill. In its final form,[19] the bill (1) defined a "mob or riotous assemblage" as an assemblage of three or more persons acting in concert for the purpose of depriving any person of his life or doing him injury, without authority of law, as a punishment for or to prevent the commission of some actual or supposed public offense; (2) declared that any state or governmental subdivision which failed, neglected, or refused to provide protection for any person within its jurisdiction against such a mob should be deemed to have denied to such person the equal protection of the laws; (3) provided that any state or municipal officer who had the duty or possessed the authority to protect such person and who failed, neglected, or refused to make all reasonable efforts to protect him or to apprehend or prosecute those participating in such a mob, should be guilty of a felony and so punished, as well as such officers who conspired with a mob; (4) provided that those participating in lynchings might be tried in the federal district court according to the laws of the state, on evidence to the court that the officers had failed, neglected, or refused to punish such participants, or that jurors in state courts were strongly opposed to punishing lynchers; (5) made the county in which the person was lynched or (6) in which he was seized liable to forfeit $10,000, to be recovered by the United States through its courts for the use of the family or dependent parents of the victim of mob action; and (7) incorporated the usual provision regarding the treaty rights of aliens.

Opposition to this bill was vehement, almost entirely among the South-

[16] 26 *Cong. Rec.*, 8182, 8206; 27 *Cong. Rec.*, 15, 477, 946, 1051; 33 *Cong. Rec.*, 1021; 35 *Cong. Rec.*, 51, 212, 248, 248, 5286, 5902–5905, 5956, 6214.

[17] 56 *Cong. Rec.*, 4821, 5362, appendix 337; 58 *Cong. Rec.*, 17, 458; 59 *Cong. Rec.*, 1759, 7188, 7505, 7708, 8029; 61 *Cong. Rec.*, 87, 218, 629; 62 *Cong. Rec.*, 490. House Report 1027, 66th Cong., 2nd Sess.

[18] 61 *Cong. Rec.*, 7063. House Rep. 452, 67th Cong., 1st Sess.

[19] 62 *Cong. Rec.*, 1744.

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ern Democrats.[20] In a series of speeches obviously intended for home consumption, they attacked the policy and expediency of the bill.[21] Much more cogent were the attacks on the constitutionality of the measure. Of course, if the federal government is to deal at all with the problem of lynching, it must be in pursuance of some grant of power in the Constitution. This the supporters of the bill attempted to find mainly in certain provisions of the Fourteenth Amendment: "Sec. 1. . . . nor shall any state . . . deny to any person within its jurisdiction the equal protection of the laws. Sec. 5. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article." The opponents of the bill declared it to be an unconstitutional invasion of the reserved powers of the states, being an act of the police power. It was pointed out that in a long line of cases construing the Fourteenth Amendment, the Supreme Court has held it to apply only as a prohibition on state action, not on the action of individuals. Therefore the fourth section of the bill was clearly unconstitutional. Further, when sheriffs fail to afford reasonable protection to prisoners, they are usually violating duties imposed by state laws,

[20] For the debates on this measure, see 62 *Cong. Rec.*, 458–468, 541–558, 602–605, 786–807, 895–903, 1008–1033, 1134–1140, 1275–1313, 1338–1381, 1426–1430, 1522–1531, 1548–1551, 1698–1745, 1773–1795, 1797, 6480, 6627, 7158, 8803, 10210, 10224, 10735–10746, 11727, 12743, 13082–13087, 13129, 13269, 13355, 13363–13368, 13370–13372, 13373–13375. For a discussion of the constitutionality of this and similar measures, see House Rep. 452, 67th Cong., 2nd Sess.; Sen. Rep. 837, 67th Cong., 2nd Sess.; *Hearings before the Committee on the Judiciary*, H.R., 66th Cong., 2nd Sess., Serial No. 14, Jan. 29, 1920; *Hearing before the Committee on the Judiciary*, H.R., 67th Cong., 1st Sess., Serial No. 10, Pt. 2, July 20, 1921; *Hearing before a Sub-Committee of the Committee on the Judiciary*, Sen., 69th Cong., 1st Sess., Feb. 16, 1926; *Willoughby on the Constitution* (1929), pp. 1931–1937; Walter White, *Rope and Faggot* (1929), 207–226; Albert E. Pillsbury, "A Brief Inquiry into a Federal Remedy for Lynching," 15 *Harvard Law Review*, 707–713 (1902); L. C. Dyer and George C. Dyer "The Constitutionality of a Federal Anti-Lynching Bill," 13 *St. Louis Law Review*, 186–199 (1928).

[21] The opponents of the bill charged that it was a hypocritical Republican attempt to truckle to the negro vote, that it was partisan and sectional. It was stated that the law would be unenforceable, that it would arouse hostility to federal agents, and that similar state laws had proved ineffective. Further, it was unnecessary, since there were already state laws covering the same offenses and imposing the same duties on officers. It was strongly urged that the lynching problem is local, that Southerners know better than outsiders how to deal with negroes, that the proposed legislation would stir up race feeling, and that other sections of the country should first check their own crime. Further, in weakening the sense of local responsibility, the passage of the law would weaken the power of law-abiding people to check mob violence, and so would aggravate the crime of lynching. The major part of the Southern oratory was based on the supposition that the primary cause of lynchings was chivalrous protection of white women from assaults by negroes; that being so, the way to prevent lynching was to eliminate the crime of rape, and for this law to pass would add to the peril of white women in the South by encouraging negroes through what was in effect a plot to pension the heirs of negro rapists.

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and so cannot be considered agents of the state. Hence, even if there is a denial of equal protection, it is not the state which acts. The prohibition of state denial of equal protection is not a grant of power to Congress to assure equal protection; the failure of a state to act to assure equal protection is not such denial; otherwise, the failure to punish any crime would amount to a denial of the equal protection of the laws (which is obviously not the sense of the Fourteenth Amendment). Habitual exclusion of negroes as such from jury lists has been held to amount to a law denying equal protection. But while admitting that equal protection may be denied by unequal, unfair, and discriminatory administration of executive power, Mr. McSwain pointed out that the failure of officers to protect prisoners is exceptional and not habitual. Further, he asserted that the penalty imposed on a county was a tax, and thereby unconstitutional as being laid on a subdivision of a sovereign state.

Those advocating the measure stressed the necessity of federal legislation to punish the crime of lynching, pointing out how rarely any effective action is taken to punish lynchers and urging that some means is necessary of putting the resources of the national government in play to prevent mob violence.[22] On constitutional grounds, however, the supporters of the Dyer bill had more difficulty. They cited some of the same cases interpreting the Fourteenth Amendment to show that a state may deny the equal protection of the laws by administrative and judicial acts as well as by legislation; and that where a state does so, the federal government may pass corrective legislation. In addition, the failure of a state to protect persons within its jurisdiction is tantamount to a denial of protection. The failure of a sheriff to protect persons from mob violence, while a violation of his statutory duties, is still to be considered the act of the state. Also, the penalty on the county is a fine, not a tax, and so is not forbidden by the rule regarding taxation of government instrumentalities. Since the United States may sue a state, it may sue a subdivision of the state and enforce on it the judgments of the federal courts.[23]

[22] Emphasizing the barbarity of lynchings, their frequent injustice, and the degradation of those who take part, the proponents of the bill asked for its passage on humanitarian grounds and as a protection against mob rule and anarchy. While not condoning in any way the crime of rape, they adduced conclusive figures to show that it is not the cause of more than a small percentage of lynchings, and that many negroes are killed for trivial reasons.

[23] There were attempts to show that a mob represents the state when it assumes to function for it in administering "lynch law." There was one claim that the United States has the power of a sovereign government to protect its citizens unless restrained in the Constitution by some express prohibition or some express reservation of power to the states. And Moorfield Storey suggested that the Fifth Amendment should be construed to apply against individual and state action, instead of being simply a limitation on Congress. Obviously, these latter proposals were contrary to all existing constitutional law.

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On January 26, 1922, after five weeks of consideration, the bill passed the House of Representatives by a vote of 231 yea, 119 nay.[24] Though the vote was not completely partisan, the opposition was mainly from the Southern Democrats. Furthermore, it was a group of Southern senators who forced the withdrawal of the bill from consideration by the Senate, using filibustering methods which Senator Underwood openly avowed were intended to prevent a vote on it.[25]

Since the failure of the Dyer bill in the Senate, there have been no successful efforts to pass such legislation in either house. With the exception of a committee report in 1924[26] on which no action was taken, measures introduced in 1923, 1925, 1927, 1929, and 1933[27] were merely referred to the Judiciary Committee in the lower house. A measure proposed in the Senate in 1925 was treated similarly.[28]

It remains to be seen whether the present demand for such legislation can overcome the constitutional doubts and the sectional prejudices of Congress sufficiently to permit the enactment of a federal anti-lynching law. If so, we may expect an early attempt to have the Supreme Court decide upon the constitutional issues so sharply raised.

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[24] 62 *Cong. Rec.*, 1795.

[25] 63 *Cong. Rec.*, 288, 297, 332–338, 397–407, 450.

[26] 65 *Cong. Rec.*, 1180, 10538, 11304. House Rep. 71, 68th Cong., 1st Sess.

[27] 65 *Cong. Rec.*, 25, 26; 67 *Cong. Rec.*, 447; 69 *Cong. Rec.*, 92; 71 *Cong. Rec.*, 762; 77 *Cong. Rec.*, 607.

[28] 67 *Cong. Rec.*, 475.

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Public Administration in the United States in 1933. The extent and variety of governmental action in the United States in 1933 invite the observer to search out those developments which are a continuation of the old, those which are novel, and those which may be termed transitional. Hence he becomes the central figure in Mr. Chesterton's game of "Bury the Prophet."

National Governmental Functions. The shrinkage of state and local incomes from the yield of the general property taxes and the limited yields from other forms of taxation as the depression deepened left the national government as the most available instrument through which collective action could be taken. Coupled with this fact was the natural tendency to look to a new presidential leadership, with the authority of the large popular majority behind it in the elections of November, 1932, and magnified by the readiness for change which the overturn of a party long in office stimulates as well as reflects. The new Administration was ushered into office with the closing of the banks of the country, and this also made national leadership necessary.

A brief summary of the functions added to those already administered by the national government will be helpful in this attempt to indicate developments in administration. The grant of credit to banks, insurance companies, and other corporations already instituted by the previous Administration through the medium of the Reconstruction Finance Corporation has been more widely extended through the Federal Home Loan Bank Board and its Home Owners Loan Corporation, and the Farm Credit Board (superseding the Federal Farm Board and other agencies hitherto responsible for various forms of agricultural credit); while the Federal Deposit Insurance Corporation administers the new bank deposit insurance program. The policies of appropriating funds for relief to the needy, and of attempting to stimulate industrial revival and provide reemployment, much debated in the previous Administration, were adopted as a central part of the Recovery Program and are responsible for important developments in administration requiring coöperation between the national, state, and local governments. The Federal Emergency Relief Administration and the Federal Emergency Administration of Public Works are the resulting instruments. Another form of attack upon the problem of unemployment (designed for younger unmarried men), by supplying paid service in the Civilian Conservation Corps, was assigned to the Director of Emergency Conservation Work and executed in part through the War Department and the Departments of Labor, Agriculture and the Interior. Supplementing the relief program and the public works

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program was the Civil Works Program[1] for employing, more directly, unemployed persons receiving relief, on a great variety of projects, including educational and artistic activities.

While these functions are in a sense a continuation of activities that had previously been initiated, they include considerable changes in emphasis, direction, and application. The granting of credit facilities goes beyond corporate business, industrial, transportation, and banking corporations to the householder and farmer; relief grants are made without "matching"; and a substantial grant is made, in addition to loans, to certain types of local public works. The creation of the Civilian Conservation Corps is a particularly interesting form of employing young men on long-time conservation work in national and state parks and forests (after the fashion urged as a permanent state policy in George Russell's *The National Being*). The recruitment and organization of this large number of men was in itself an impressive administrative achievement concerning which the Chief of Staff has interesting comments in his report for the year 1933.

Three statutes added new functions or formulated new policies relating to functions of a continuing nature. The Securities Act gives to the Federal Trade Commission the enforcement of certain minimum standards of procedure in investment banking. The Wagner Act, a measure vetoed in the previous Administration, and reflecting in its provisions the Employment Service organized in the last year of the World War, creates a United States Employment Service[2] in the Department of Labor, and includes provisions for coöperation with states' services. A third function

[1] Discontinued at the time of writing (April, 1934).

[2] See Beulah Amidon, "The Route Back to Work," *Survey Graphic*, Vol. 23, p. 101 (March, 1934). Under the Wagner bill there is a federal appropriation to be matched by the states, under the administrative supervision of the United States Employment Service, which is authorized to make such rules and regulations as it deems desirable. Among the rules which have been established is the requirement that the standards of employment for manager, assistant manager, interviewers, and assistant interviewers in the state employment offices shall be those established by the national government. Very careful class specifications have been devised in consultation with the Civil Service Commission for these positions. Mr. Oliver Short, employment commissioner of the state of Maryland, has been appointed agent of the United States Employment Service and temporary examiner in the Civil Service Commission in order to act as the field agent in supervising the choice of personnel for the state and local employment agencies. In those states where there is a civil service commission, there will be competitive examinations for these positions. In those states where there is no such commission, Mr. Short has designated a suitable person, usually a member of the state university faculty, to act as the local examining agency. All applications in these states are submitted for inspection, and only those approved by the representative of the United States Employment Service are certified to the governor or other appointing officer. In this way, a high national standard is being set up all over the country, and it is fair to believe that the employment services will be greatly improved.

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arising out of the administration of the property of the national government in the Tennessee Valley region is the operation of the hydro-electric system and nitrate plants there entrusted to the Tennessee Valley Authority, with its board of directors, three in number, designated by act "a body corporate." The members of this board serve for a term of nine years. Section 6 of the act expressly forbids the use of any "political test or qualification" in the making of appointments by the board. Section 22 provides for the development of plans for the adequate use and development of the natural resources of the Tenneessee River drainage basin.

The two acts which have undoubtedly attracted the greatest public attention are the National Industrial Recovery Act and the Agricultural Adjustment Act. They are presumably temporary, or better, perhaps, may be termed transitional. Behind both is a much longer and more complex history than is apparent from most discussion. For an introduction, at least, to the first, the report of the hearings on the LaFollette economic council bill in 1931 is useful.[3] Most of the problems confronting those administering the present act were there indicated, and some of the trends which led to this legislation described. The analysis presented in the famous paper which Professor Turner read at a conference at the Chicago World's Fair in 1893[4] is a helpful introduction to the second.

The N.I.R.A. gives to economic organizations of a "functional" or "interest" type the opportunity to establish, subject to approval by the National Recovery Administration[5] under an administrator reporting to the President, codes of "fair competition." In the exercise of the wide discretionary powers given to the administration within the principles embodied in the act, several agencies participate. The code authorities themselves have their organization defined within the code for their industry. Within the administration there are advisory councils—the Industrial Advisory Council with a changing membership representing management, the Consumers' Advisory Council, the Labor Advisory Council, and (established early in 1934) a council representing the interests of smaller industrial or business units. In view of the guarantee of the right of organization given to employees in the act, the establishment of a board of arbitration—the National Labor Board, reporting to the President—was natural.

The Agricultural Adjustment Act was assigned for enforcement to an

[3] *Establishment of National Economic Council. Hearings Before a Sub-Committee of the Committee on Manufactures.* U. S. Senate, 72nd Cong., 1st Sess., S. 6215. Government Printing Office, 1932.

[4] "The Significance of the Frontier in American History," reprinted in *The Frontier in American History*, by Frederick J. Turner.

[5] See *The A. B. C. of the N. R. A.*, issued by The Brookings Institution, and the descriptive articles by Schuyler Wallace in *Today*, Jan. 20, 27, Feb. 3, 10, 17, 24, 1934.

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administrator, reporting to the Secretary of Agriculture. While the problem immediately confronting the administration is that of dealing with the surplus existing in various agricultural commodities through reduction in planting by the leasing of acreage withheld from production (the leasing to be financed by processing taxes), the fundamental problem is one of the readjustment of the nation to its lands in the light of international developments and the progress in the arts. This raises at once questions of international relations affecting markets and standards of living, the development of domestic commerce and industry, and finally (and most important so far as this branch of administration is concerned) the use to which the lands of the United States are to be put. At this point the problem is very complicated, since there are involved problems of local and state taxation and expenditures and public services, surveys of land, land classification, and finally of land zoning or planning. The problems of enforcing any agreed policy over so vast an area and involving not only millions of individuals, but also organizations, associations, and corporations ranging from international commodity groups to the local coöperative or individual farm, are many and varied. Here the resources of the large number of trained career civil servants in the department, and the hundreds of county agents in the field, are, of course, of great importance. The development of a program in this sector obviously not only involves the national government but is clearly of great importance for the future development of local government. There are important implications, also, in the Subsistence Homesteads program, developed as in part a relief measure, from the point of view of agricultural and land-use planning.

One may note both a continuation of an older function of the national government and a new application in administration in the establishment of the Office of Federal Coördinator of Transportation, working with and through the various transportation organizations and public authorities dealing with them. The first report of the coördinator, Mr. Joseph B. Eastman, contains several references to the administrative aspects of various possible transportation programs and refers to the work of coordination already under way on a voluntary basis.

The adoption of the Twentieth Amendment brought the return of the older governmental function of regulating instead of prohibiting the liquor industry and trade. The President established an interdepartmental board to formulate a policy, which led to the establishment of the Federal Alcohol Control Administration. Use has been made of the power to regulate by means of codes of fair competition under the National Industrial Recovery Act. Codes were established, for example, for the alcoholic beverage wholesale, the distilled spirits, the distilled spirits rectifying, the wine, and the brewing industries, and the licensing of imports

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was also employed. A variety of administrative agencies for regulating sale have been authorized by the states, as well as various methods of apportioning powers between the states and local governments.[6]

Resulting Problems of Administration. The listing of the activities mentioned above as representing continuity, novelty, or a transitional policy has been arbitrary. The student of administration, however, naturally seeks for some order and direction in the rush of events such as we are witnessing. What facilities exist for enabling the President to seek some general view of developments? There has been established by executive order an Executive Council, with a secretary, which presumably is designed to serve as such an advisory group in which final administrative policy can be clarified and priorities fixed. The Council, which meets each Tuesday, includes the ranking heads of the recovery agencies, the director of the budget, and the members of the cabinet. The secretary of the Executive Council also serves as secretary of the new National Emergency Council, designed to be the central office of information on all recovery policies.

A number of advisory staff agencies have been established as an aid to the more careful formulation of policy and the preparation of materials upon which the formulation of policy by leaders in the Administration may be based. Among these are the new Central Statistical Board under the chairmanship of W. W. Riefler,[7] and including the chief of the Bureau of Labor Statistics and of Foreign and Domestic Commerce as the assistant director of the Census; and interdepartmental committees on commercial policy, the regulation of exchanges, communications, and the control of alcoholic liquors. A new agency which obviously has great possibilities of influence is the National Planning Board, established by executive order to advise the Public Works Administrator on the allocation of the public works funds by developing a comprehensive plan within which the particular projects may be assigned. This board, consisting of Messrs. Frederic Delano, Wesley C. Mitchell, and Charles E. Merriam, with Charles W. Eliot II as executive officer, has encouraged the formation of state planning boards with which the national board may coöperate in securing coördination in the development of public works programs. The National Planning Board is having prepared studies of the function of planning in the governmental system of the United States, of a continuing program of public works, and of special problems of planning in

[6] State provisions are conveniently summarized in *Bownes' Wine and Spirits*, March 15, 1934. It is understood that the Bureau of Social Hygiene has in preparation for publication later in 1934 a descriptive study of the legislation and administration resulting from prohibition repeal.

[7] Mr. Reifler is also economic advisor to the Executive Council, thus relating the collection and interpretation of current statistical data to the policy-forming authority.

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selected regions of the country. In view of the relationship between these projects and the land-use problems confronting the Department of Agriculture, the Reclamation Service of the Department of the Interior, and other governmental agencies, the possible importance of the new National Planning Board as a staff agency advisory to the Administration leaders is evident. The realization of this importance will depend upon its becoming genuinely representative of the planning decisions made as a matter of daily work by the permanent officials in many different agencies of government, and of its discovery and use of planning resources existent in state and local governments.

Changes have taken place in the older staff services. A further centralization of purchasing has been secured through the establishment of the Procurement Division in the Treasury, supplanting various older agencies. Disbursements have also been centralized in the Division of Disbursement in the same department. Both of these measures were taken by executive order of the President following the legislation adopted in 1933.[8] The Bureau of Efficiency has been abolished. The Economy Act provided for cuts in the salaries of the civil service and resulted in reductions in the staff. At the same time, additional employees were recruited for the new recovery agencies which were not placed under the civil service law. A partial offset to these losses is found in the provision referred to above prohibiting employment under the Tennessee Valley Authority for political reasons; while some of the agencies, notably the Agricultural Adjustment Administration, have established personnel staffs under experienced officials. The new positions have been brought within a salary classification program by the Bureau of the Budget, based generally upon the arrangements proposed for the field service in the report made by the Personnel Classification Board before its absorption by the Civil Service Commission.

Some brief appraisal of the kind of administrative problems which are thrust into bolder relief by experience in the national government during the past year may be hazarded. The frequent references in press and speech, not only at home but also abroad, to the term "dictatorship" warrants, perhaps, a comment. Students of administration have been substantially agreed upon the desirability of extending the discretionary power of the executive over the allotment of expenditures and the internal organization of administration. Some gain in this respect was made in the legislation of 1932 and of March 3, 1933, recommended by President Hoover and utilized by President Roosevelt for securing changes in the administrative organization and structure by executive orders, which

[8] See L. F. Schmeckebier *et al.*, "Organization of the Executive Branch of the National Government of the United States," in this REVIEW, Vol. 27, p. 942 (Dec., 1933).

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must be submitted to Congress and do not become effective until the expiration of sixty calendar days. The President was also given wider discretionary authority under the Economy Act to effect economies not only in personnel but also in administering laws relating to pensions for ex-soldiers. At the time of writing,[9] this discretionary power has practically been extinguished by a statute passed over the President's veto. The present arrangements obviously fall short of what most observers would deem a desirable control by the executive of expenditures within the maximum fixed in statutes and budget. The discretionary powers granted the Federal Trade Commission under the Securities Act will doubtless obtain greater precision in definition by rulings of the Commission, judicial interpretation, and statutory amendment. This, at least, is the usual experience. The discretionary powers granted under the N.I.R.A. are wide, but an important principle is introduced in the establishment of organizations of those affected by the law and its administration who participate in the translation of the general legislative standards into more precise rules and procedures. We have long been familiar, of course, with the fact that the present nature of governmental functions forces a wide delegation of discretion to the administrative authorities, in order to obtain necessary adjustments of principle to varied time and place factors, and in order to obtain the services of technically trained and widely experienced personnel in their enforcement. There has been some experience, notably in state industrial commissions, with advisory consultative or rule-making boards representing the interests affected by the legislation associated with its enforcement. We now have an extensive use of this principle in the organizations of labor, management, and consumers found in the N.I.R.A. and also in the A.A.A. The older principles of judicial and legislative responsibility and control over administration are now supplemented by that of consultation with the interest groups affected.

The most extensive use of discretionary power is to be seen in those areas—notably currency and the grant of credit or financial aid—in which immediate action by the specialist is required, or where the peculiar circumstances of each project are determining factors within a general legislative authorization. The administration of currency policy is highly centralized and secretive in all states; the grant of credit facilities was initiated under the preceding Administration in the establishment of the Reconstruction Finance Corporation; while the allotment of funds for public works projects was also initiated in part by the preceding Administration, and has been surrounded by the administrator, Mr. Ickes, with a formidable array of checks and investigations. The relative authority of legislative and executive branches, indeed, falls well within the limits established as desirable by the Inter-Parliamentary Union at its 1933

[9] April 2, 1934.

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session at Madrid—and indeed leaves something to be desired at many points if we are to secure the best use of the instruments of government.[10] Thus we do not as yet possess an effective continuing congressional committee charged with the duty of acquainting itself with the day-to-day problems of enforcement of the powers delegated by Congress to the Executive with a view to perfecting legislation or to securing a general review of the application of the larger policy to specific cases; nor has Congress relinquished its right to increase appropriations and force expenditures above those deemed desirable by the Executive.

While Congress[11] failed to follow a personnel policy advocated by most students of public administration when it exempted the new agencies from the application of the civil service law, certain partial mitigations have been made as noted above. It should also be recognized that the national government possesses a considerable staff of well trained and experienced civil servants. This fact is too often ignored, both at home and abroad. Furthermore, there are available in American business, law, and the professions generally, and increasingly in the general field of social research in the universities and in numerous organizations, a large number of men and women possessing a knowledge of the problem of the respective fields in which they are working. These have been drawn upon for many of the governmental staffs, along with the party workers. Public interest and discussion has viewed the personnel question in the past year largely in terms of the "Brain Trust," seeing here a new phenomenon. The political scientist and the publicist have failed to make the country aware of the large body of professional civil servants who have for a long time become an increasingly important factor in the government. The average "brain truster," indeed, has been chiefly a staff adviser on policy, rather than a line official.

Also noteworthy has been the contribution of the career men in the army in the work of the Civilian Conservation Corps, and through the Engineering Corps on the public works planning. And we may discern the rise of a kind of auxiliary civil service in the trade associations and consumer, labor, and farm organizations, and in the code authorities.

The entrance of the national government into the administration of relief and of assistance in local public works has made it, as many have observed, "municipal conscious." While the Relief Administration has always acted in the first instance officially through the state, it has on

[10] See *Political Quarterly*, Vol. 5, pp. 114 ff. (January–March, 1934).

[11] The election, in the 1932 landslide, of many new members of limited experience, representing a party out of power for twelve years, creates a problem of education in principles of administration. On the whole, party policy and leadership in all parties on these matters throughout the country is far behind the development of urgent problems. The same may be said of the press.

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occasion established its own organization within a state where it was felt that the required standards were not maintained;[13] while necessarily there has been created a close relationship of public works administration with state and local authorities. In both fields, the value of governmental service organizations has again been demonstrated. Through the Clearing House for Public Administration, the American Public Welfare Association, and the American Municipal Association and its constituent state leagues of municipalities, and many other groups of like nature, additional resources in personnel have been made available for expediting the preparation and clearance of projects and the establishment of standards of administration. They have taken up the stresses and strains necessarily resulting from the divergencies in leadership and preparation among the innumerable governmental units of the country. Many sweeping prophecies are being made as to the future relationship of these different units of government, but our present knowledge is much too incomplete to warrant a generalization other than that the new financial relationship between the national government and local governments, coupled with the planning of public works which will be under construction for some time (and including the housing projects), make the existence of a municipal research and information center at Washington a necessity. Meanwhile the possibilities of a new regional unit such as is the basis for the Tennessee Valley Authority, and for the preliminary inquiries of the staffs studying the Mississippi and Missouri river basins, are being explored. A study of the new regional administrative units established by the various departments of the national government has been outlined by a member of the Brookings Institution staff.

Among the activities which have been placed in charge of a public corporation are housing, the Tennessee Valley project, the subsistence homesteads program, the insurance of bank deposits, and home loans. A grant of $100,000,000 was made by the Public Works Administration to the Federal Emergency Housing Corporation, which was established as a more effective instrument in expediting a housing program, while slum clearance work was authorized for local governments through the Civil Works Administration grants. During the year, eleven states established state housing agencies (New York and Ohio already possessed housing authorities). A National Association of Housing Officials was organized with headquarters in Chicago in association with the Public Administration Clearing House, Mr. Charles Ascher serving as secretary.

Among the more important administrative developments in the national government in 1933 which we will be eager to follow are: the pro-

[13] Standards of accounting, personnel, reporting, and of the amount of relief to be granted have been fixed for the local administration which receives financial grants.

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gram of administrative coöperation for the Civilian Conservation Corps, involving the War Department, the Labor Department, the Department of Agriculture, and the Department of the Interior; the application of the principle of a dual budget, one for ordinary or "normal" expenditures, the other for a long-time period (a principle essential for long-time public works planning, as a Massachusetts commission has already suggested);[14] the new national-local relationships in finance, public works, and relief, with minimum standards of administration to be maintained before grants are made; the new national government-economic organization relationships in the establishment of industrial government; the utilization of new regional units; the establishment of an official secretary to a central Executive Council; the extension of the use of public corporations, and the beginnings of a national program in housing; the application of suggestions concerning administrative law, made in the Wickersham reports, to immigration proceedings in the Department of Labor; the administration of the new—and old—powers over currency and gold supplies and credit; and the use of various types of enforcement.[15]

Two studies now being conducted by national research organizations are of particular interest to students of administration. The Social Science Research Council has established a Commission of Inquiry into the Public Service consisting of President L. D. Coffman, of the University of Minnesota, as chairman; Mr. Louis D. Brownlow, Public Administration Clearing House; Mr. Ralph Budd, president of the Chicago, Burlington, and Quincy Railroad; Professor Charles E. Merriam, of the University of Chicago; and Arthur L. Day, of the National Academy of Sciences, with Dr. Luther Gulick, director of the Institute of Public Administration, as director. The Commission is directed to make a broad survey of the conditions of public employment and to suggest recommendations for the guidance of the country in the future. The Brookings Institution is maintaining a current record of the development of the policy and administration of the Recovery agencies.

State and Local Administration. One important feature of the 1933 developments in public administration, as will be evident from the above record, is the predominance of the national government both in public interest and in the initiation of policy. For the most part, the states and cities have marked time. Budgets have been cut, not only in public departments, but also in civic agencies, including the bureaus of governmental research. As yet, the depression does not appear to have stimulated any striking new administrative inventions,[16] although state and

[14] Massachusetts Special Commission on the Stabilization of Employment, *Preliminary Report*, December, 1931; *Final Report*, December, 1932.

[15] Note the use of codes under the N.I.R.A. by the Alcohol Control Administration for controlling additions to existing plant facilities.

[16] Experiment in the administration of the control of alcoholic liquors distribution, noted above, might be cited as an exception to this statement.

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local governments are challenged to produce leadership in a better use of existing resources if they are to maintain and increase public confidence and support, in view of their serious financial limitations. Reference has already been made to the services rendered by the leagues of municipalities and the American Municipal Association. The International City Managers' Association is rendering a public service in publishing an annual municipal year-book the first number of which, surveying the year 1933, was issued in April. This publication reports on all developments in municipal affairs, and will obviously be a relief to the writer—and reader—of these notes. The most dramatic events in state and local government during the year were probably the defeats of long-established administrations in New York City, Boston, Philadelphia, and Pittsburgh. The organization of the new administrations in these cities falls within the survey of the year 1934, but the presence in the New York City administration of so many public administrators well known to readers of this REVIEW, such as Robert Moses, Joseph McGoldrick, Russell Forbes, William Hodson, A. A. Berle, and others, will invite the special attention of political scientists to developments in that city.

In the field of state government, there was established by Senator Henry Toll a new organization entitled the Council of States, located in the same building adjacent to the University of Chicago as the existing Chicago group of public administration agencies. The major task of the Council will be the development of means of correlating the activities of the states and of bringing the state and federal governments into closer accord. The Council is directed by a board of managers including the presidents of the Governor's Conference, the American Legislators' Association, the National Association of Attorneys-General, the National Association of State Auditors, Comptrollers, and Treasurers, and the Conference of Commissioners on Uniform State Laws; the executive director of the Council; six state legislators; six administrative officials; and six additional state officials—a total of twenty-five. There are also fifteen associate managers, representing national organizations engaged in governmental research and planning.

The reorganization movement, which has occupied considerable space in earlier reviews in this journal, may be dismissed by noting merely the adoption of the Colorado Administrative Code (C.37, *Laws*, 1933) and by a brief reference to a few other developments. Although the Colorado Administrative Code increases the power of the governor in administration, it clearly reflects the reluctance of the legislature to confer full administrative responsibility upon him. The executive department (one among six—executive, finance and taxation, auditing, law, education, and state—each headed by a constitutional officer) is made the agency for subordinating to the governor the budget and efficiency commissioner, the state purchasing agent, the superintendent of public buildings, the

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divisions of highways, conservation, agriculture, public welfare, industrial relations, public health, water resources, civil service commission, and certain boards of inspection. But the control of state administration, even in the case of some of the supervisory agencies enumerated, falls to the executive council, consisting of the governor, secretary of state, treasurer, auditor, and attorney-general, the governor acting as chairman. Budget-making, purchasing, administrative control of allocations and expenditures, investigation of duplication of work, and standardization are duties of the Council, not of the governor. More pressing problems of finance, relief, and revenue have pushed aside further efforts to improve the working structure of the state machine, leaving much still to be desired if the states are to play an effective part in dealing with contemporary public problems.

Chapter 4 of the *Acts of 1933* of the state of Indiana grants extensive administrative powers to the governor to transfer all existing agencies of government to eight departments named in the act—executive, state, audit and control, treasury, law, education, public works, and commerce and industry. The governor is named as the sole head of the executive department and a member of each of the boards placed in charge of the other seven departments, the other constitutional elective officers also being members of boards in charge of those departments relating to their constitutional duties. The attorney-general is to be appointive by the governor upon the expiration of the term of office of the present incumbent. The appointments of all present holders of positions in the various departments are terminated, and future appointments are to be made by the governor for four-year terms, although a single deputy for each constitutional elective office is to be named by his chief. By an executive order of April 15, 1934, Governor McNutt assigned the various state administrative organizations and functions to the eight departments.

Reports on surveys of state and local government in Wyoming and Illinois were made by Griffenhagen and Associates. Certain of the findings of the Brookings survey of Iowa government have been applied, and the survey is to be the topic of discussion at a conference at the University of Iowa in the summer of 1934.[17]

Investigations of local government are more widely stimulated by the problem of tax delinquency. The study conducted by the Michigan Commission of Inquiry into County, Township, and School District Government has been completed and a series of valuable reports issued. A study of the Wisconsin system of local government under the direction of Professor Walter R. Sharp is substantially completed and will be published in 1934. The New Hampshire Survey of the Organization and Administration of the State, County, and Town Governments has been published.

[17] See pp. 481–485 below.

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The first orthodox county-manager plan became effective on July 1, 1933, in San Mateo county, California. Other county-manager governments adopted in 1933 include Sacramento county, and Albemarle and Henrico counties, Virginia. Some forty other counties are reported to have this form of government under consideration. County home rule amendments approved in Ohio and Texas and enabling legislation adopted in Nebraska point to further developments in 1934. The work of land economists and rural sociologists in formulating the new land use policies and research into the nature of rural life give promise of offering to the political scientist a fresh insight into the problems of local and state government. The studies in this field of Professors Anderson of Minnesota and Lancaster of Nebraska, as well as others in Michigan and elsewhere noted above, indicate that we may discover a way out of the present *impasse* in which most discussion of local government finds itself.

A brief survey of the year leaves one with the impression of much activity and a favorable response by a public eager for it. Politics has become an important and significant part of life to many people—perhaps for the first time in their lives. There have been no changes in fundamental constitutional structure; there have been significant changes in function and relationship, with the positive program of the national government in matters affecting the state and local governments so intimately that the standards of administration and the policies initiated or approved at the center determine much of the effectiveness of government in the remote periphery. A national land policy dictated by the agricultural-industrial balance vitally affects rural local government; a stimulus to equipment industries by a national public works program implements the plans of cities.

Nevertheless we have still with us the struggle to achieve a philosophy of government in which there is an adequate appreciation of the public servant as the necessary instrument of the community in attacking its difficult problems. Those governments or departments, in states or cities, in which capable personnel has been at work for a long time were prepared to undertake the heavy new tasks of government; and a great cost was paid, on the other hand, for unpreparedness elsewhere. Many of the most important policies of the Recovery Program have been jeopardized less by the lack of capable administrators—they have been far more available than popularly supposed—than by the traditional distrust and suspicion of the public which is fostered by many interested groups and their spokesmen in party and press. Thus the problem of those interested in public administration, and in political science generally, is perhaps less one of emphasis on techniques of administration than of making the American people aware of the place of administration if the possibilities of American society are to be realized. We possess the knowledge that

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there are techniques available to accomplish valuable results; our administrative resources are more considerable than we permit ourself to realize.[18]

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The French Public Service and the Economic Crisis. In spite of the effort to "conserve the past," there were signs by the end of 1932 that the French body politic was undergoing more than passing tension and strain.[1] By that time the impact of economic depression, slow in reaching France, had, in popular parlance, reached "crisis" proportions; and while crisis is a label which Frenchmen are prone to accord promiscuously to each and every change of ministries, it was gradually coming to connote something analogous in seriousness to the monetary disturbances which culminated in the near-collapse of 1925–26. The indications of danger were multiple: a steady decline in industrial output, a marked contraction of trade, a growing unfavorable balance of international payments, rising railway deficits, and a constant shrinkage of public revenues. According to estimates made by the General Confederation of Labor, the winter of 1932–33 saw unemployment reach a figure somewhere between 1,500,000 and 2,000,000, although the official relief "registers" have at no time shown more than 350,000 to be totally without work.[2] Despite attempts of the police to prevent popular demonstrations of discontent, swarms of "hunger-marchers" poured into Paris and other large cities. A series of strikes broke out in the textile and mining industries of the North. Accumulating wheat and cattle surpluses were so depressing to agriculture that farm laborers were reported to be receiving one cent an hour in certain sections of the country. And that ominous phenomenon—so familiar to America since 1930—of mass protests against high taxes by organized groups of tax-payers, appeared in all parts of the nation. So foreboding had this situation become by the summer of 1933 that certain newspapers were endeavoring to impress the public with the fact that, although Parliament had the right to refuse to vote taxes, citizens could not refuse to pay them.

[18] See, for example, T. S. Harding, *T.N.T.* (New York, 1934).

[19] Dr. White had collected much material for and had partially drafted this review when his appointment to the United States Civil Service Commission prevented him from completing it. Professor Gaus, of the University of Wisconsin, who spent the past year as visiting professor at the University of Chicago, took over the task and carried it to completion. *Man. Ed.*

[1] Cf. P. Brossolette, "France Conserves the Past," *Recovery* (London), Aug. 25, 1933.

[2] In France the majority of industrial workers of peasant origin, upon losing their jobs, rejoin their rural family households and are sustained by the land.

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During the autumn and winter, economic conditions grew steadily worse. Public confidence in the government's financial stability was so shaken that the market for further government borrowing seemed to be closing up, the value of outstanding public securities declining at an alarming rate. A new wave of gold hoarding set in, and between October, 1933, and April of this year a foreign exodus of 8 billion francs in gold took place. Nothwithstanding the possession of an ample gold reserve amounting to 80 billion francs, together with only a moderate internal public debt of 230 billions (moderate, for example, in comparison with the British debt), and only negligible external obligations (disregarding the inter-Allied debts), French national psychology began once more to be haunted by the nightmare of inflation. Surrounded by a world largely off gold, France was struggling desperately to cling to gold. In such a situation, it took only a financial scandal of relatively small proportions—the Stavisky affair—to convince the heterogeneous groups, Right and Left, opposed to the existing parliamentary régime, that the time was unusually propitious for a *coup d'état.*

After the general elections of May, 1932, which returned the Left Cartel to power, the French political scene had been one of confusion, instability, and weak leadership. Five Radical-Socialist governments, headed successively by Herriot, Paul-Boncour, Daladier, Sarraut, and Chautemps, had struggled to balance the national budget by a series of makeshift measures which somehow had to satisfy, on the one hand, the industrial interests, petty shopkeepers, and peasants, who wanted no new taxes and insisted upon cutting the public pay-roll, and on the other, the organized industrial and governmental employees, represented in Parliament mainly by the Socialists, who vehemently demanded that public social services and salary scales be left intact, and insisted that the mounting deficits be met by curtailing military expenditures, imposing additional taxes, and eliminating fiscal evasion and fraud from the administration of the taxes on personal incomes and on foreign and domestic securities. Three times the government fell because Léon Blum and his Socialist group refused to support proposals to reduce the basic compensation of the army of state employees, even if only by what we in America would nowadays consider insignificant amounts. Meanwhile, as 1933 wore on, the conservative forces of the Right, ably led by M. Tardieu, launched a vigorous attack upon the alleged vices of French parliamentarism and set in motion a current of quasi-fascist opinion to which an increasing proportion of the younger generation appeared to have been attracted. In a series of dynamic articles in his nationalist paper *La Liberté,* as well as in *L'Illustration,* Tardieu was campaigning for a complete reform of the executive and legislative branches of the government. There must be a government with sustained authority "to balance the budget, safeguard the franc, and

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deal with the menace of Hitlerism." This would be possible, contended the former premier, only (1) if the civil service unions were put in their "proper place" by statutory injunction and recalcitrant *fonctionnaires* dismissed, and (2) if the cabinet was given the right to appeal over the head of Parliament by dissolution and a national referendum.

While such criticisms as these had often been heard in the political arena of the Third Republic, they had seldom before attained such wide currency in peace-time. Even outside royalist circles, the intelligentsia was finding it fashionable to sneer at the parliamentary régime. "Blue shirted" fascist organizations, although numerically small, were assuming a bolder and more vociferous attitude. Still more significant in certain respects was a schism in the ranks of the Socialist party. More than thirty of its younger deputies, calling themselves "Neo-Socialists," broke away from the "orthodox" leadership of Léon Blum and sought to win supporters for a new party wedded to the triple principles of "Order, Authority, and Nation." Pointing their appeal to the bourgeoisie, these renegades to the true Socialist faith dared to invoke the example of Fascist Italy, even of Nazi Germany, as evidence that the middle classes could be more revolutionary than the proletariat.

Aided by growing discontent, the forces of anti-parliamentarism were quick to take advantage of the opening presented by the Stavisky municipal pawnshop swindle to discredit the Government. Whether there was an organized plot to stage a revolution is open to question, but it is generally admitted that, on the night of February 6, when government troops turned machine-guns upon a seething crowd in the Place de la Concorde, and casualties involving 17 dead and over 600 wounded resulted before dawn came, the foundations of the Third Republic were as rudely shaken as at any time since its establishment sixty years ago. As has happened in past national crises, however, political dissension within republican ranks ceased at the brink of the precipice, and on February 9 a "National Union" cabinet emerged under the quiet but reassuring leadership of ex-President Doumergue. Despite further spasmodic rioting by Communist and Fascist groups, sufficient calm was restored to allow the Doumergue government to win from Parliament extraordinary powers to balance the budget and effect wide administrative reforms by executive decree. After setting up a series of commissions to investigate the Stavisky affair, as well as to recommend constitutional changes with a view to strengthening the parliamentary system, Parliament adjourned on March 16 for two months, leaving France under a quasi-dictatorial executive for the second time since the war.

The effects of this turbulent swirl of political and economic forces upon public service have been two-fold: (1) direct retrenchment in pay-roll and size of staff, and (2) inauguration of plans for comprehensive administra-

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tive and fiscal reform. The procedures employed in budgetary contraction call first for consideration.

During the prosperous interlude between the monetary crisis of 1925–26 and the advent of the present depression, French public expenditures had markedly expanded. The ordinary budget of the central government increased from 37 to 50 billion francs, or by nearly one-third. This increase of 13 billion was distributed 46 per cent to national defense, 9 per cent to public debt, 18 per cent to social services and public works, 12 per cent to "political" services, including justice and police, and 15 per cent to civil personnel. In the total ordinary budget for 1932, public debt (including outlays for pensions) absorbed 45 per cent of the total appropriations; national defense, 23 per cent; social services and public works, 9 per cent; the "political" services, 9 per cent; and the compensation of civil personnel, 14 per cent. If the various special budgets, covering the P.T.T. and other state industrial enterprises, be added to the ordinary budget, the aggregate expenditure totals 60 billion francs, of which only 16 per cent was applied toward the payment of the civil service. With debt charges eliminated, salaries and allowances for personal service accounted for roughly a third of the operating costs of the central government. State revenue from taxation equalled about a quarter of the national income in 1932. Including local taxes, the tax burden had reached almost a third of the annual income of the country.

During the history of the Third Republic, unbalanced national budgets have been rather the rule than the exception: 37 fiscal years have closed with deficits and only 26 with surpluses. The French Treasury is always too optimistic in its revenue estimates. Consequently, when the budgets for 1931 and 1932 produced deficits of six to seven per cent, public opinion evinced comparatively little concern. But when it appeared that the 1933 budget, as originally voted, would yield, because of sharply shrinking tax yields, a deficit of 14 billion francs, or 29 per cent, it became generally recognized that some retrenchment was inevitable if a taxpayers' revolt was to be averted, or, it should be added, if further devaluation of the franc was to be prevented.

As already indicated, the principal questions confronting the Government and Parliament were (1) what the relation between retrenchment in expenditure and increased taxation should be, and (2) how the retrenchment, once the amount was determined, should be apportioned among the major items in the budget. Only the extreme Left favored slashing the military establishment. Hitlerism and the appearance of a growing German military budget meant that no French cabinet could remain in power for a moment if it proposed a cut of more than 25 per cent in the military estimates. Substantial savings, therefore, had to be sought elsewhere. A large-scale conversion of government bonds was successfully

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undertaken and over 2 billion francs saved in that manner. After much delay and with great difficulty, the Radical Socialist leaders managed to persuade their followers to accept supplementary and increased taxes to the extent of 3 billions, notwithstanding ominous warnings from the Right and vociferous protests from the peasants and shopkeepers, who have for years been the "spoiled children" of the French fiscal system. Into the successive budget-balancing measures enacted after July, 1932, were also inserted provisions designed to tighten up income tax administration. From these various operations it was estimated that the deficit would be reduced from 14 to around 6 billions. For the remainder the Government had to issue new loans, resort to direct administrative economies, or utilize both of these expedients concurrently.

Whatever might have been the economic wisdom of drawing upon the then solid credit of the French state for the entire sum needed to maintain intact the public services, it proved politically impossible to follow any such policy. The popular demand for curtailment of expenditures swelled to such tremendous volume that the liberal cabinets of Herriot and his successors were forced to prepare economies. At the outset, attempts were made to secure administrative contraction without touching the public pay-roll. To this end, a five per cent cut in all departmental appropriations was adopted in July, 1932, with the understanding that the cut was to be absorbed by economies in the purchase and use of supplies and equipment, by leaving vacancies unfilled, by retarding promotions and expediting retirement, and by introducing more efficient office procedures. However, with revenue constantly falling below each revised set of estimates, this measure proved insufficient. Consequently, a decree issued in October set up a General Economy Commission, interdepartmental in character, and ordered each department and independent service to create a tripartite committee whose function it should be to prepare a more comprehensive scheme of economies.[3] The General Commission was given full power to conduct such investigations as it deemed necessary and to coördinate the work of the departmental committees. The composition of the latter bodies was to be drawn from three sources: (1) high officials selected by the head of the department concerned, (2) representatives chosen by and from the subordinate staffs of the department, and (3) representatives of outside citizen groups with special interest in the functions performed by the department. Accordingly, to illustrate concretely this procedure, on the committee for the postal, telegraph, and telephone administration there were representatives of newspaper publishers' associations, the railways, and associations of telephone subscribers; while the various committees set up by the Ministry of Education included representation from a wide variety of such interest groups

[3] Decree of Oct. 22, 1932.

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as university alumni, student associations, scientific societies, and parent-teacher organizations.

Admittedly a procedure carefully devised to insure that the voice of all the principal interests involved should be heard, its practical operation, entailing numerous hearings and conferences, proved too slow and cumbersome to yield immediate results. In the meantime, budgetary resources continued to dwindle. Responding to the widespread demand that governmental staffs be reduced in number, the Paul-Boncour ministry ordered the suspension of all recruitment for the national civil service for the year 1933, with the proviso, however, that exceptions might be made to the order with the approval of the minister concerned and the Treasury, or, in case of posts reserved for disabled veterans, with the authorization of the Minister of Pensions. While from a financial point of view this action was not expected to produce much—for the closed system of promotion prevalent in the French service makes annual turnover extremely low—it was a gesture calculated to appease the "economy-mongers." Although the order was not unfavorably received by the conservative press as a timid step in the right direction, university circles were soon protesting bitterly that the action meant professional unemployment for thousands of students. Not only would there be no openings in the teaching field, but engineering and other technical careers provided in France by public employment would be closed to the youth of the country. Forced to make concessions, the Government reopened an increasing number of competitions as the year advanced, and by November inserted in its new budget bill the provision that recruitment during 1934 should be permitted to fill one-half the number of vacancies which materialized, the creation of new positions, however, being strictly prohibited.

Another step taken to realize immediate economy was a horizontal 10 per cent reduction in state subsidies to local public authorities and private agricultural and industrial enterprises. In recent years, the number and extent of these grants have multiplied at a rapid rate. While part of the subventions has been allotted to encourage public health and social welfare activities, where local resources appeared inadequate, much of the money has been given without proper control over its use and has allegedly served as an incentive to careless expenditure. Whether the latter charge can be substantiated, there is no reliable means of knowing without a first-hand study of the whole question, which no one in France has yet undertaken. There is little doubt, however, that the state has been led to grant rather lavish aid to such quasi-private enterprises as aviation companies, maritime navigation concerns, groups interested in developing silk culture, and the paper pulp industry.

In passing, it should be made clear that this 10 per cent cut did not apply to the program of public works begun in 1931 under M. Tardieu

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as a long-time national economic development, and continued more specifically as a means of combatting the economic depression by recent Left Cartel governments. This program embraces plans for electrifying rural districts, for the construction of school-buildings, hospitals, and highways, and for the improvement of port and canal facilities. Nor were state funds for the direct relief of unemployment subjected to the cut. Relief in France has not as yet become a serious burden upon the public treasuries. Such funds as are necessary to supplement private charity are provided in the form of unemployment benefits at the rate of 7 francs a day, plus family allowances, the money being furnished partly by the central government and partly by the territorial departments and municipalities.

Apart from and in addition to the retrenchment measures already enumerated, there remained the most explosive issue of all: Should government salary, wage, and pension scales be reduced, and if so, to what extent and by what method? Knowing that whatever proposal for salary reduction it might advance would meet a united front of militant opposition from the organized civil servants, the Herriot government delayed as long as it dared an open battle over the question. If Herriot had not fallen in December, 1932, on the American war-debt question, the chances are that he would have been defeated on the 2 to 10 per cent graduated pay cut incorporated in his year-end budget-balancing bill. A month later, such was the fate of the Paul-Boncour cabinet, which, deserted by the Socialists, saw its majority shattered. By that time the *syndicats des fonctionnaires* had revived their *cartel des services publics*, an effective propagandist device for facilitating solidarity with organized labor, and were carrying on a country-wide campaign to arouse popular support in their behalf. Although admitting that the cost of living had fallen slightly, the syndicalist leaders contended (1) that compensation schedules in the French public service were still considerably lower than those prevailing in Great Britain, Germany, Holland, Switzerland, and most other European countries; (2) that it was economically unsound to reduce the purchasing power of a million public employees and their families; (3) that thousands of the *rentier* class were deliberately practicing tax evasion and should be forced to declare their full incomes; and (4) that if public salaries and wages were cut, the civil servants would be forced to go through another long, up-hill fight for salary readjustment similar to the ten-year struggle they had been obliged to wage, on account of post-war inflation, to restore pay scales to their pre-war values.

Speaking broadly, anyone who has analyzed at close range the salary policy of the French state would agree that these arguments, though presented with exaggerated emphasis, are well-founded. It is not surprising that the middle and lower grades of the clerical, postal, revenue, and

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instructional staffs should persistently fight all attempts to deprive them of the substantial improvement in material status which they have been able to secure since 1927. The triple effect of a revaluation of base pay in terms of 1913 real values, of appreciable increases in family and cost-of-living bonuses, and of a more favorable employment classification had made it possible for their families to enjoy some, at least, of the simple comforts and pleasures to which French middle-class life is attached. Furthermore, if the situation of the superior grades is carefully examined, one discovers that certain categories were still in 1932 receiving *basic* salaries lower in purchasing power than their compensation of twenty years earlier.[4] Exclusive of small bonuses and allowances, the salary schedules for year-round, full-time employees of the French central government range from 9,000 to 125,000 francs—in dollars at par, from $360 to $5,000. Of 500,000 civil employees, as many as 200,000 are paid less than $500 a year, while only 65,000 receive over $800, and less than 200 get $4,000 or more.

In February, 1933, the case of the staff associations for the preservation of existing rates of remuneration was carried to the point of threatening a general strike if Parliament should accept the pay-cut proposals of the Daladier government. But popular demonstrations against the "favored" *fonctionnaires* gained in momentum.[5] The conservative Paris press, largely controlled by the *Comité des Forges*, raised the cry that their ingratitude and treasonable threats must be punished. Ten thousand members of the National Federation of Tax-payers tried to storm the Chamber of Deputies, the police and Republican guards repulsing the effort only after a number of severe street skirmishes. Finally, when it appeared certain that the pay cut would go through, the infuriated civil servant cartel ordered a nation-wide protest strike. For periods of ten minutes to an hour, postal clerks, telegraph employees, customs and revenue officials, public transport workers, and elementary school teachers stopped work. At fixed intervals, telephone operators interrupted service by deliberately giving wrong numbers. Nowhere was there violence or disorder, and the strike was carried through with surprising solidarity and discipline. Among the larger employee groups, only the instructional staffs of the secondary schools took occasion to affirm their loyalty to the Government.

Notwithstanding this impressive demonstration of staff resistance, their Socialist allies in Parliament refrained from taking the responsibility of causing the fall of another Government, and the Daladier fiscal proposals

[4] Although the provision, since the war, of various and sundry special allowances, bonuses, and perquisites brings the total compensation up to a level slightly better than in 1913.

[5] One tax-payer group went so far as to advocate that civil servants be denied the right to vote.

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managed to survive. The outcome of the long controversy was, however, heralded by the staff associations at the time as a moral victory. Not only had their cogent and repeated intervention with the Government resulted in an extremely moderate scale of cuts, but in the words of the finance act the cuts were denominated "emergency contributions" and limited to the period from March 1 to December 31, 1933.

In contrast with the rule-of-thumb methods resorted to by many American jurisdictions in fitting pay-rolls to depression budgets, the French procedure was uniformly and systematically based upon the principle of "equality of sacrifice." On all basic salaries, including those of ministers and members of Parliament, a progressive waiver was imposed, beginning at 2 per cent for the bracket 12,000–20,000 francs and increasing by increments of 1 per cent to a maximum of 8 per cent at 100,000 francs and above. A further exemption of 3,000 francs was allowed for a wife, if not employed in the public service, as well as for each minor child. A similar scale of reductions in retirement annuities was imposed.

In addition to the waivers on base pay, a revision of the scale of special allowances and bonuses, to be worked out by the General Economy Commission, was ordered by Parliament. If this revision could not be completed within three months, a flat cut of 10 per cent was to be levied. Near the end of the year 1933, this time proviso was removed and the Commission instructed to proceed with the complicated task of simplifying and revising these indemnities. The Commission, on which sat representatives of the employee associations, had made substantial progress by the beginning of 1934.

In October, 1933, when the Daladier government's financial program for the present year was submitted to the Chambers, the pay-cut issue flared up again. The proposal to continue salary waivers for another year caused Daladier's defeat late that month and proved the nemesis of the short-lived Sarraut cabinet a month later. Although the Radical-Socialists were deserted by their Socialist allies, the latter refused to take upon themselves the onus of overthrowing the fifth (Chautemps) ministry to hold office since the parliamentary elections of two years ago. The "orthodox" Socialist deputies announced that although they could not vote for the new pay-cut proposals without violating party pledges, they would withdraw from the Chamber. Consequently, on December 23, the Chautemps government contrived to put through a financial program calling for an extension of the existing scale of salary waivers for another year, but promising that in proportion as other economies were realized by the abolition of staff posts made unnecessary by administrative reorganization, the waivers would be reduced in amount. Continued with full powers by this legislation, the General Economy Commission was instructed to prepare a *plan d'ensemble* not later than the end of 1934.

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These plans, however, were upset by a further decline in tax yields which produced a new budgetary deficit of 4 billion francs by February. How to re-balance the budget and restore financial confidence was the most urgent problem with which M. Doumergue had to grapple upon his advent to the premiership. With the support of a cabinet in which the Radical-Socialists constituted a minority, and in the face of a nation-wide "anti-fascist" strike of twenty-four hours successfully staged on February 12 by organized industrial workers and government employees, a series of decree-laws was promulgated which swept away the deficit, largely at the expense of civil servants and pensioned war veterans. By April 14 it was officially announced that budgetary equilibrium had once more been established.

The Doumergue decrees greatly broadened the scope of administrative retrenchment. Not only was the scale of salary waivers increased to 10 per cent on annual pay increments superior to 100,000 francs, but the entire corps of state employees was brought within the scope of the system, a deduction of 5 per cent applying to salaries of 20,000 francs and under. By this action, 465,000 low-paid employees who had hitherto escaped with no pay cut at all were at last caught in the tide of deflationary public finance. To soften the blow, as it were, the waiver on salaries of cabinet members was raised to a flat 15 per cent, with the President of the Republic contributing as much as 20 per cent. Supplementary allowances were correspondingly reduced, and except in specified instances, the holding of jobs from central and local authorities simultaneously was no longer to be authorized.

A still more drastic provision ordered the immediate reduction of staff personnel (military as well as civil) by 10 per cent of the total number. In order to effect this contraction, involving the elimination of approximately 85,000 employees from the state's pay-roll, an elaborate scheme for determining priority of retirement was devised. Except in cases of heavy family responsibility or indispensability to the service, all those employees already entitled to retirement with full pension rights were to be dropped at once. Next in order, employees not over two years from the minimum retirement age were to be removed and accorded the full pension to which they would have been entitled at the completion of the prescribed period of service. If necessary, the retirement of employees with five years still to go might also be accelerated, the pension in no case to fall below what had actually been earned at the time of separation from the service.

In addition to ordering these economies, the Government issued another set of decrees increasing the pension age for veterans by five years and generally cutting the scale of their pensions by 10 per cent. In the future, veterans less than 10 per cent disabled were to receive no pension, while remarried widows were to lose their pension rights. State subsidies

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to the railways were also to be reduced, unemployment relief was to be reorganized, and a more economical administration of social insurance was to be instituted.

For the leisurely method of administrative reorganization based upon extensive investigations by commissions of inquiry, the Doumergue decrees proposed to stimulate immediate action by peremptorily slicing 10 per cent from departmental appropriations for the present fiscal year. As the new finance minister, M. Germain-Martin, explained the Government's purpose, it was to compel each administrative department here and now to abolish useless offices, simplify its methods of operation, and increase efficiency, without waiting for the emergence of a "comprehensive *plan d'ensemble*" from the Economy Commission set up six months earlier.

Only passing reference may here be made to the way in which the economic crisis has affected administration in French local government. On account of the dominance of the central state in a unitary system like that of France, local authorities tend to follow the lead of the central government in matters of staff policy. While municipal and provincial budgets have suffered from the shrinkage of revenues, the crisis has been less severe with them than with the national budget. In general, local units have trimmed expenditures by slowing down recruitment, suspending promotions and salary increases, somewhat speeding up the retirement of employees, and reducing by from 5 to 15 per cent staff allowances, bonuses, and pensions. By these procedures, for example, the cities of Paris and Lyons have effected a slight contraction in the number of their employees and the size of the municipal pay-roll. Some municipalities, however, have actually expanded their staffs as a result of local public works programs. For the same reasons which, until February of this year, operated in the case of the national government, there has been no wholesale dismissal of personnel or slashing of compensation standards. Some of the *départements* have cut salaries by a system of moderate waivers, but in practically no case have they in this respect gone appreciably further than the central authorities. However, a 20 per cent reduction in the state's contribution to the pay of prefectoral staffs, effected by the recent Doumergue emergency decrees, is likely to provoke a more marked retrenchment policy on the part of the *départements* and communes than had been the case up to that time.

Notwithstanding the emergency drive behind the Doumergue reform measures, no one who has studied at close range the sterile attempts at administrative reform in France since the war will be inclined to take the latest effort at its full face value. Unless the coöperation of the powerful staff associations can be enlisted, it will be difficult for any *democratic* government, "National Union" or otherwise, to carry through a sustained

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program of administrative and fiscal reorganization. After 1928, the pressure of vested interests upon a succession of weak cabinets caused the latter to capitulate before "deputantism" and rescind most of the Poincaré reforms of two years earlier. In the present instance, moreover, the forces of retrenchment will have to reckon with a strengthened and solidified "trade-union" movement among government employees and school teachers whose psychology is likely to become increasingly obstructionist should the French economic situation grow worse.

If that should happen, it is not unlikely that the clamor from the Right for an "authoritarian" government will break forth with renewed vigor. The chances that this clamor might culminate in some form of Fascism for France depends upon the imponderables in European and world politics. Unless economic collapse should become imminent or war descend upon France, the parliamentary régime will probably survive, though its survival may be at the price of continued inefficiency in public administration. If Fascism should succeed a war or an economic breakdown, it would certainly be at the price of cultural liberty, which is above all else prized by Frenchmen. To curb the excesses of French parliamentarism by orderly constitutional change will not be easy. Except in time of extreme national crisis, the French like to live under a weak governmental system. The unfortunate paradox of the situation arises from the fact that those leaders who, like Tardieu and Marin, are agitating for a stronger and more stable executive, express continued hostility to the corporative movement among the civil servants. Under skilful guidance, this force affords the most promising means of securing that economical, simplified, coördinated, and deconcentrated administration which the politics of the Third Republic has not yet been able to evolve. Each people has its own scheme of values. If a guess be hazarded, it would be that Jacques Bonhomme will travel slowly, albeit jerkily, along well-worn paths of social change unless he is forced to do otherwise by a world travelling too hard and fast along new ones. At all events, the *bureaucratic* mode of life, so thoroughly congenial to French national psychology, bids fair to perpetuate itself in some form or other.

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German Bureaucracy in Transition. Among the institutional elements of civic cohesion, the civil service—national, state, and local—has stood out for generations as one of the most influential forces in German life. Though never the actual "governor of Germany,"[1] it was universally rec-

[1] Herman Finer, *The Theory and Practice of Modern Government* (London, 1932), Vol. II, p. 1499. See also my review of this book: 94 *Zeitschrift für die Gesamte Staatswissenschaft*, 301–307 (1933).

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ognized as *the* instrument of government. Its devotion and efficiency were not only highly regarded by the community, but also looked upon by foreign observers[2] as Germany's greatest contribution in the field of political organization and as an encouraging example for the whole world. It was indeed the German civil service which, long before Germany entered the era of industrialization with all its new governmental responsibilities, had already "vitalized the state on its constructive side and its active rather than its passive aspects."[3]

Under the emblems of German pre-war monarchy—symbols of continuity and stability—the public service stood firmly beyond the petty quarrels of the day, beyond the economic struggle for power, and beyond the political strife of various factions.[4] It was non-partisan as much as the dynasty was non-partisan. On neutralized ground, it grew in "vigor and ethical grandeur"[5] without ever becoming a national issue.[6]

In the modern "service state,"[7] it is still possible for the people to overthrow the government. It is, however, no longer practicable to dispose

[2] Frederick F. Blachly and Miriam E. Oatman, *The Government and Administration of Germany* (Baltimore, 1928), p. 406; Charles E. Merriam, *The Making of Citizens* (Chicago, 1931), p. 200; Roger H. Wells, *German Cities* (Princeton, 1932), pp. 3, 261 ff; Finer, *loc. cit.*, Vol. II, p. 1499. Finer has apparently modified his previous contention that the German pre-war civil service "was responsible to nothing but its own conscience" (*The British Civil Service*, London, 1927, p. 9). Here Finer has certainly been a victim of a widespread misunderstanding. As I have pointed out elsewhere ("Berufsbeamtentum in England," 89 *Zeitschrift für die Gesamte Staatswissenschaft*, 459), the executive power since the advent of the German *Rechtsstaat* in the course of the nineteenth century was no longer allowed to rise above the law, but its exercise was definitely *subject to the law*. Thus the theory of German administrative law has always stressed its function as a protection of the citizen from arbitrary (though perhaps benevolent) action of administrative bodies rather than giving *plein pouvoir* to public authorities for the sake of authority alone. In this regard, the New Deal in Germany seems to initiate certain changes.

[3] Merriam, *loc. cit.*, p. 200. See also Otto Koellreutter," Volk und Staat in der Verfassungskrise," in Fritz Berber (ed.), *Jahrbuch für Politische Forschung* (Berlin, 1933), p. 31: The German civil service "has, in long tradition, given to the German state its specific features."

[4] See for a brief review of the general situation as contrasted with that in the United States, Fritz Morstein Marx, "Verwaltungsreform in den Vereinigten Staaten," 38 *Verwaltungsarchiv*, 82 ff. A comprehensive analysis of the German civil service in the early constitutional period is presented in Theodor Wilhelm, *Die Idee des Berufsbeamtentums* (Tübingen, 1933). See also the able discussion in Walter L. Dorn, "The Prussian Bureaucracy in the Eighteenth Century," 46 and 47 *Political Science Quarterly*, 75 ff., 403 ff., and 259 ff. (1931 and 1932).

[5] Carl L. Friedrich, "The German and the Prussian Civil Service," in Leonard D. White (ed.), *The Civil Service in the Modern State* (Chicago, 1930), p. 385.

[6] As, for instance, the British civil service in the (*mutatis mutandis*) corresponding phase of development during the post-war period.

[7] Leonard D. White, *Trends in Public Administration* (New York and London, 1933), p. 341.

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of the instrument of government. When, in 1919, the Constitutional Convention assembled in Weimar in order to take stock of what was left of Germany after an exhausting war which ended in revolution, the civil service had nothing to fear. On the contrary, it found itself courted by nearly all those political groups which were united in the desire for quick reconstruction of the Reich, surrounded by the cannon muzzles of a hostile world.[8] Moreover, the merits of civil service had been tested throughout German history; and the whole people were trained in administration-mindedness. The embodiment of far-reaching civil service "rights" in the new constitution bears witness to this situation.

The framers of the Weimar constitution saw that parliamentary government in a profoundly democratized republic with changing majorities would lead to unbearable tension in the administrative branch unless the principle of civil service neutrality was objectified through constitutional law. "Civil servants," the constitution[9] proclaims, "are servants of the whole nation, not of a party." Through the medium of those provisions of the different civil service acts, national and state, which define the general official duties of public officers in the form of elastic clauses,[10] the

[8] Thus it is not an exaggeration to say that a lasting reconsolidation after the turnover of November, 1918, did not occur before the civil service had placed itself "on the basis of hard facts"—a then famous slogan in Germany. See Fritz Morstein Marx, "Die Verfassungs- und Verwaltungsrechtsentwicklung in den drei Hansestädten Hamburg, Bremen, und Lübeck, 1918–1928," 16 *Jahrbuch des Öffentlichen Rechts*, 52 ff. (1928).

[9] Art. 130 of the Weimar constitution. For references on this provision, see Gerhard Anschütz, *Die Verfassung des Deutschen Reichs vom 11. August 1919*, 14th ed. (Berlin, 1933), p. 602. This latest (and presumably last) edition represents the standard work on the Weimar constitution. See also my review of the volume in 27 *American Political Science Review*, 646–647 (1933).

[10] Cf. Sec. 10 of the National Civil Service Act: "Every civil servant is obliged to fulfill conscientiously, according to the constitution and the laws, the duties of the office conferred upon him and to prove himself in his behavior inside and outside the office worthy of the esteem which his profession requires." The different state civil service acts contain corresponding provisions, often copied literally from Sec. 10 of the national act. Concerning disciplinary procedure, cf. A. Brand, *Die Preussischen Dienststrafordnungen vom 27. Januar 1932*, 2nd ed. (Berlin, 1932). A new *Landesdienststrafordnung* was promulgated in Saxony on June 19, 1933 (*Gesetzblatt*, p. 93); see Ender, "Das neue sächsische Dienststrafrecht," 62 *Juristische Wochenschrift*, 1636 ff. The draft of a new *Reichsdienststrafordnung* has already passed the Federal Council (*Reichsrat*) and will presumably receive reconsideration by the Hitler cabinet. Among the general treatises on German civil service law, mention may be made of A. Brand, *Gesetz über die Rechtsverhältnisse der Reichsbeamten*, 3rd ed. (Berlin, 1929): Adolf Arndt, *Das Reichsgeamtengesetz*, 4th ed. (Mannheim, Berlin, Leipzig, 1931); A. Brand, *Das Beamtenrecht* (*Die Rechtsverhältnisse der Preussischen Staats- und Kommunalbeamten*), 3rd ed. (Berlin, 1928). See also Finer, *Modern Government*, Vol. II, p. 1375 ff., and Friedrich, *loc. cit.*, p. 385 ff. (with extensive bibliography).

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institutional safeguard of political neutrality became at once effective, and was rigidly upheld by the disciplinary courts. No civil servant was permitted even to impair the citizen's faith in administrative impartiality through actions which, though perhaps as such free from blame, might raise doubts in the mind of the public.[11] On the other hand, German bureaucracy was itself well aware that its entanglement as a body in party politics would necessarily result in a conflict with the idea of life tenure in a state where government depended on the electorate.[12]

Briefly, the constitutional postulate of civil service neutrality was a prerequisite for a continued functioning of German bureaucracy as the instrument of government in a pluralistic party state. In the light of this principle, the "fundamental rights" of the civil service[13] had to be construed. It was to this test that the question of justified exercise or inadmissible abuse had to be put. Never could the public officer claim to be as free in his whole conduct of life as a private citizen. As an organic atom of the state, he continually represented[14] the substance of the state. His loyalty, therefore, was of a more unconditional nature as contrasted with mere civic allegiance. On no account could he consider himself entitled to embark upon any form of violent opposition to the state, either through strikes[15] or by participation in revolutionary movements.[16]

[11] "In his official activity, the civil servant must pursue the common good, and not only be impartial but even not endanger his impartiality nor give occasion for distrust of his impartiality." Arndt, *loc. cit.*, p. 33, bases this statement on a careful condensation of recent disciplinary decisions of the National Supreme Disciplinary Court, the Prussian Supreme Administrative Court, and the Disciplinary Division of the *Kammergericht*. See National Supreme Disciplinary Court, in Alfred Schulze and Walter Simons, *Die Rechtsprechung des Reichsdisziplinargerichtshofs* (Berlin, 1926), p. 141 ff., 146 ff., 148 ff., and 279 ff.; *Entscheidungen des Preussischen Oberverwaltungsgerichts*, Vol. 76 (1922), p. 473 ff., Vol. 79 (1925), p. 436 ff.; *Entscheidungen des Grossen Disziplinarsenats des Kammergerichts in Disziplinarverfahren gegen Preussische Richter und Notare* (Berlin, 1927), p. 133.

[12] Fritz Morstein Marx, "Verwaltungsrecht in England," 36 *Verwaltungsarchiv*, 438–439 (1931).

[13] The basis of these "fundamental rights" is laid down in Article 130 of the Weimar constitution: "All civil servants are guaranteed freedom of political opinion and freedom of association." As a matter of terminology, we are here concerned only with *civic* "rights," in contrast to those constitutional provisions which circumscribe the immediate *official* status of civil servants, e.g., the guaranty of life tenure.

[14] "The office embraces the whole personality of the civil servant. Never is he only a private citizen." Prussian Supreme Administrative Court: 56 *Juristische Wochenschrift*, 2867 (1927).

[15] National Supreme Disciplinary Court, in Schulze and Simons, *loc. cit.*, p. 73 ff., 85 ff., 86 ff., and 404 ff. For further references, see Arndt, *loc. cit.*, p. 35.

[16] For one of the most instructive presentations of the controversial subject of party activity of civil servants, see Gerhard Anschütz and Karl Glockner, *Die politische Betätigung der Beamten* (Bühl, 1930). Those aspects which, in the light of theory and practice, represent actual law are brought together in Anschütz, *loc. cit.*,

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Within these boundaries, however, there was a spacious field of individual liberty, political privacy, and civic discretion for the German civil servant. It was indeed significant for the tolerant spirit of Weimar democracy that even occasional transgressions of the boundaries were but reluctantly taken up for disciplinary action. Paradoxical though it may sound, the generous grant of civil service "rights" was destined to create weakness rather than strength under a governmental system which saw a good deal of its self-assurance absorbed in the tentative adjustment to hitherto unexperienced principles of democratic rule which were without distinct tradition in Germany. For it was precisely the ominous though unintentional result of this grant that the civil service was dragged closer to the arena of party politics than was desirable on the eve of Germany's tempestuous post-war epoch.[17] After all, it cannot be said that repeated efforts at political interference in the immediate conduct of administration, launched by different parties under a grave but "expedient" misappre-

p. 23, in the following restatement: "It is incontestable that a civil servant never violates his official duty if he merely agrees with a creed of revolutionary character without joining the party in question or making his revolutionary creed conspicuous through actions. It is incontestable, too, that the profession of such a creed is only permitted within the special limitations resulting from the official position of the civil servant. Furthermore, it is incontestable that every action of a civil servant in support of a revolutionary creed or movement, especially of the party in question, be it through contributions or other material support, be it through participation in party work or acceptance of party offices, represents always a disciplinary offense." It has been a noteworthy inconsistency of Weimar democracy that it refrained from rigidly suppressing as illegal those political parties which, according to the government, had given sufficient proof of aiming at the overthrow of government by force. Instead, the government was satisfied to issue temporary bans against the participation of civil servants in those parties. Thus the well-known decree of the former Prussian state cabinet of June 25, 1930, contains the following passages: "With regard to the development of the National Socialist German Workers' party and the Communist party of Germany, both parties must be considered as organizations aiming at the overthrow of the present government by violence. A civil servant who participates in such an organization or supports it by action or otherwise thereby violates the bond of loyalty toward the state which results from his position as civil servant, and is guilty of an offense against civil service discipline. It is, therefore, forbidden to all public officers to participate in those organizations or to support them by action or otherwise."

[17] Cf. in this context also Art. 39 of the Weimar constitution: "Civil servants and members of the armed forces need no leave for the performance of their duties as members of the Reichstag or of a state diet. If they become candidates for election to these legislative bodies, leave must be granted them for the amount of time necessary to prepare for their election." The national act of July 21, 1922, put distinct restrictions on the "freedom of political opinion" of civil servants only in so far as their *official* activities were concerned. It stated, however, in very broad terms that a civil servant must "abstain from all activities which are incompatible with his position as an official of the Republic," thereby also pointing to the behavior of civil servants outside the office. Cf. the extracts given in Friedrich, *loc. cit.*, p. 399.

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hension of parliamentary government, met uninterruptedly with strict disapproval of bureaucracy *in corpore*. Instead, such inroads were encouraged by the ready response of those groups within the public service which, in consequence of their constitutionally guaranteed freedom of association, had been drawn into the party following. From this inconsistency arose most of the discrepancies which foreign critics[18] evidently had in mind when they mused over the final outcome of the "transition period to democratic responsibility."[19] On the whole, however, the German civil service was neither blind to its mission nor actually failed to work as an indispensable corrective[20] (not only functional but also spiritual) of parliamentarism as represented by a number of ardently competing factions.[21]

Prior to March, 1933, the possible rise of National Socialism to uncontested power and its uncompromising antagonistic attitude toward Weimar democracy left German bureaucracy almost unperturbed. It had viewed the swing of the pendulum of political power more than once. Cabinet ministers had come and gone often enough. Moreover, antagonism to Weimar democracy did not mean antagonism to the traditional idea of civil service. In fact, National Socialist propaganda—though invariably speaking down to the plain "masses"[22] of "the suffering and the peaceless, the discontented and the miserable,"[23] and therefore altogether unindulgent with those "in possession"—had always ringingly emphasized the virtues of German pre-war civil service,[24] despite Hitler's personal resentment toward a bureaucratic career.[25]

[18] Cf. Finer, *Modern Government*, Vol. II, p. 1499; Wells, *loc. cit.*, p. 261–262; Merriam, *loc. cit.*, pp. 200–201.

[19] Merriam, *ibid.*

[20] Cf. Fritz Morstein Marx, in 18 *Archiv des Öffentlichen Rechts*, 280 ff. Agreeing, Rolf Stödter, *Öffentlichrechtliche Entschädigung* (Hamburg, 1933), p. 254. See also Fritz Fleiner, *Institutionen des Deutschen Verwaltungsrechts*, 8th ed. (Tübingen, 1928), p. 94, who emphasizes that Germany did not cease to be a *Beamtenstaat* after the transformation into a republic. Cf. also my review of the book in 87 *Zeitschrift für die Gesamte Staatswissenschaft*, 379 ff. Finer, *Modern Government*, Vol. I, p. 227, cites my *Variationen über Richterliche Zuständigkeit zur Prüfung der Rechtmässigkeit des Gesetzes* (Berlin-Grunewald, 1927) as evidence for the contention that "democracy has, or ultimately will, cause its [German bureaucracy's] corruption." My *Variationen*, however, do not contain any suggestion of that sort. Cf. Fritz Morstein Marx, in 23 *Archiv des Öffentlichen Rechts*, 369 ff. (1933).

[21] This general situation and its implications is ably discussed in Arnold Köttgen, *Das Deutsche Berufsbeamtentum und die parlamentarische Demokratie* (Berlin and Leipzig, 1928). For a briefer survey, cf. Fritz Morstein Marx, "Civil Service and Democracy," 4 *Amerika-Post*, 277 ff. (1932), and "Training Municipal Officials in Germany After Entry into the Service," 13 *Public Management*, 334 ff. (1931).

[22] Adolf Hitler, *Mein Kampf*, 22nd ed. (München, 1933), p. 196.

[23] Hitler, *loc. cit.*, p. 364.

[24] Hitler, *loc. cit.*, p. 309. See also Müller, *Beamtentum und Nationalsozialismus*,

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Yet the medal had a reverse side. The civil service was not without an Achilles' heel. The Weimar constitution had bestowed upon it the fateful privilege of free party affiliation. As long as the governmental coalitions in Germany changed only within the spiritual borderlines of Weimar ideology, the civic mobilization of bureaucracy meant no more than merely a handicap. A complete shift of ideology, however, could easily turn the handicap into a menace. Too many servants of the "whole nation" had already made fullest use of their civic franchise, while the political atmosphere, at least since 1928, had grown tense as never before. And since, in its struggle for power, the National Socialist party had pursued the policy of most ruthless opposition[26] to legislative bodies as well as to administrative departments, few of them had found their way into the camp of the spokesmen of the Third Reich.[27] This fact gave color to National Socialist agitation. The line of demarcation between friend and foe offered itself. Party pamphlets for political home-consumption pictured the entire public service as permeated and dangerously infected by *Systembeamte*, i.e., officials representative of the "Weimar system," or, more directly, with definite anti-National Socialist leanings. Thus the issue of civil service restoration became paramount in the National Socialist program of salvation. How far it would be carried into practice remained, however, to be seen.[28]

Weimar democracy had been fully conscious of the relative character of political truth.[29] National Socialism advanced absolute claims based on the infallibility of a creed of religious zeal. A party conquering the state by means of electoral procedure is a phenomenon which has been observed in many a landslide. That government assumes unlimited responsibility for society has been experienced in many an emergency.[30]

4th ed. (München, 1933), p. 9 ff. Hitler has, however, talked in very strong terms on the "arrogant" mental attitude of the higher civil service in pre-war times; *loc. cit.*, p. 352.

[25] Hitler as a youth became "thoroughly sick" of the idea of entering the civil service; *loc. cit.*, p. 6. His antipathy against the public service as a profession was "fundamental"; *loc. cit.*, p. 7.

[26] It may be recalled that this opposition had resulted in governmental decrees against the participation of civil servants in the National Socialist party; see note 16 *supra*.

[27] A National Socialist minister has recently stated in public that when he took office in March, 1933, he found but eighteen members of his party in his department, with a total personnel of more than two thousand officials.

[28] Wells, *loc. cit.*, p. 253, has already drawn attention to the fact that during the tenure of Minister Frick in Thuringia in previous years many a head "rolled in the sand." But party patronage and "restoration" are terms with fluent border-lines.

[29] Cf. Finer, *Modern Government*, Vol. I, p. 226; Fritz Morstein Marx, 23 *Archiv des Öffentlichen Rechts*, 369 ff. (1933).

[30] Comparative government reveals that the degree to which such a responsibility is actually realized corresponds to the severity of the emergency rather than to the

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That a government, entrenching itself for an indefinite time, should fortify its political faith through transforming it into the official monopoly of pronounced and exclusive righteousness, public and private, is a momentous event without precedent in the history of German democracy.

In this way, the very base of political neutrality of the German public service was shaken. In whose interest should it guard its neutrality when National Socialism had come to mean German unity, German valor, and German future? Did not the people and the civil service mutually depend on each other?[31] Neutrality was, after all, only readiness loyally to serve the opposition in case it should succeed the present government. National Socialism was ideologically without opposition as well as succession. It boasted of its covenant with eternity. The National Socialist party was the only legitimate political representation of the German people.[32] There was no other party left. The foundation of new parties was labelled a criminal offense.[33]

Under these circumstances, the significance of civil service loyalty underwent a cardinal change of emphasis. Political neutrality had implied a certain passivity rather than whole-hearted support of the government of the day. The National Revolution, eager to line up the whole people, did not content itself with the pallid willingness of mere obedience on behalf of a hesitant civil service. As long as the public service was still the "backbone" of the state,[34] German bureaucracy could but reflect the new ideology. This new ideology demanded unreserved identification with the goals of the National Socialist movement. The civil servant, reads a governmental proclamation to German officialdom on the occasion of the last general elections, "is one of the most effective mediators between leader and people."[35] Only he can successfully work as a mediator who is penetrated by the belief which he is supposed to spread among others. From the National Socialist point of view, it was a minimum requirement for this task to be at least politically reliable.

Duly authorized by the Enabling Act of March 24, 1933,[36] which prac-

social traditions of a country. Cf. Luther Gulick, "Politics, Administration, and the New Deal," 169 *Annals of the American Academy of Political and Social Science*, 55 ff. (Sept., 1933).

[31] Arnold Köttgen, "Aufgabe und Verfassungsrechtliche Stellung des Berufsbeamtentums im modernen Staat," in Fritz Berber (ed.), *Jahrbuch für Politische Forschung*, (Berlin, 1933), p. 128.

[32] Act of July 14, 1933 (*Reichsgesetzblatt*, I, p. 479).

[33] Sec. 2 of the act of July 14, 1933.

[34] Carl J. Friedrich, "The Development of the Executive Power in Germany," 27 *American Political Science Review*, 203 (1933).

[35] Proclamation of National Minister of the Interior, Dr. Frick; *Hamburger Tageblatt*, No. 279 (November 11, 1933).

[36] *Gesetz zur Behebung der Not von Volk und Reich* of March 24, 1933 (*Reichsgesetzblatt*, I, p. 141).

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tically became the generative cell of all National Socialist constitutional legislation, the Hitler cabinet speeded the remodeling of the public service. Two "cabinet acts" of different character were employed to bring about the preliminary adaptation before the passage of a completely overhauled general civil service law which is to be expected in the near future. The first of these, the Act for the Restoration of the Civil Service,[37] concentrates on raking through the existing personnel, while the second represents a rather unsystematic attempt to adjust the National Civil Service Act and correlated statutory provisions to the need of the hour.[38]

The Restoration Act had originally been advertised as the overdue measure to purify the civil service from those political favorites who, without possessing the required qualification or its equivalent, had been ushered into official positions by the so-called "Weimar system parties." It also was commonly accepted in advance that the bill would make good the National Socialist pledge to end the tenure of those civil servants who were of "non-Aryan" descent. When, however, the act made its appearance in the statute book, it became evident that the cabinet of the National Revolution had obtained a firm grip on the public service as a whole.

First, so-called "party book-officials" were to be wiped out of the service; they were defined as persons who had entered the civil service since November, 1918,[39] without either complying with the general require-

[37] *Gesetz zur Wiederherstellung des Berufsbeamtentums* of April 7, 1933 (*Reichgesetzblatt*, I, p. 175), as amended by the "cabinet acts" of June 23, July 20, and September 22, 1933 (*Reichsgesetzblatt*, I, p. 389, 518, and 655), with five ordinances for its enactment of April 11, May 4, May 6, July 18, and September 29, 1933 (*Reichsgesetzblatt*, I, pp. 195, 233, 245, 515, and 697). The second ordinance has been amended by two further ordinances of July 7 and September 28, 1933 (*Reichsgesetzblatt*, I, pp. 458 and 678). See Albert Gorter, *Gesetz zur Wiederherstellung des Berufsbeamtentums mit den Durchführungsbestimmungen und ergänzenden Vorschriften des Reiches und der Länder* (München, 1933); Hanns Seel, *Erneuerung des Berufsbeamtentums* (Berlin, 1933); Hanns Seel and Arthur B. Krause, *Der Behördenangestellte im Neuen Reich* (Berlin, 1933); Carl Heyland, "Das Reichsgesetz zur Wiederherstellung des Berufsbeamtentums vom 7. April 1933," 62 *Juristische Wochenschrift*, 1164 ff.; Hoche, "Die Durchführungsvorschriften zum Gesetz zur Wiederherstellung des Berufsbeamtentums," 38 *Deutsche Juristen-Zeitung*, 720 ff.

[38] *Gesetz zur Änderung von Vorschriften auf dem Gebiete des allgemeinen Beamten-, des Besoldungs- und des Versorgungsrechts* of June 30, 1933 (*Reichsgesetzblatt*, I, p. 433). See Oskar G. Fischbach, *Das Reichsgesetz zur Änderung von Vorschriften auf dem Gebiete des allgemeinen Beamten-, des Besoldungs - und des Versorgungsrechts* (Berlin and Leipzig, 1933); Hanns Seel, *Die Neuordnung des Beamtenrechts* (Berlin, 1933); Carl Heyland, "Reichsgesetz zur Änderung von Vorschriften auf dem Gebiete des allgemeinen Beamten-, des Besoldungs- und des Versorgungsrechts vom 30. Juni 1933," 62 *Juristische Wochenschrift*, 1977 ff. and 2547 ff. (1933).

[39] The exact date is November 9, 1918, pointing to the revolutionary overthrow of the old régime.

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ments of the career or possessing the customary training or other fitness for the office[40] at the time of their admission.[41] Though the definition left much space for the exercise of free discretion, the total yield under this provision proved to be much more meager than the populace had come to assume during the campaign. In fact, as far as an estimate is possible, it is safe to say that the absolute figures of dismissals under this section are rather insignificant in comparison with the other causes of removal in the Restoration Act.[42] From the professional angle, German bureaucracy was still impressively homogeneous. Second, civil servants of "non-Aryan" parentage were to be retired[43] unless they had been in the service since pre-war days[44] or given proof of personal sacrifice during the war.[45] While both these clauses pointed to specific groups in the service, the Restoration Act, treading the same path as Fascist legislation in Italy,[46] addressed German bureaucracy as a whole in delegating to departmental heads[47] the power to suggest the dismissal of public officers who do not give guaranty that they fully identify themselves with the New Deal.[48] Political reliability had definitely superseded neutrality. A Damocles' sword was hung over every civil servant. Dismissal for political unreliability represented a dishonorable discharge,[49] in contrast with the forced retirement of "non-Aryans." And finally, if a still smoother procedure should be advisable, the Restoration Act provided that every public officer could be put on pension[50] should the interest of the service or the simplification of administration so necessitate. This section was often employed against those whose political convictions were supposedly not compatible with the New Deal, even though they had not caused reflections

[40] Sec. 2 of the act.

[41] See the ordinance of May 6, 1933 (*Reichsgesetzblatt*, I, p. 245).

[42] According to one of the official press releases (chosen at random) of the Hamburg state cabinet, out of 69 recently removed officials, not more than two were dismissed as "party book-officials". *Hamburger Fremdenblatt*, No. 238 (August 29-1933).

[43] Sec 3 of the act..

[44] The exact date is August 1, 1914, pointing to the beginning of the war.

[45] The privilege extends to those who, during the World War, actually fought at the front, or whose fathers, sons, or husbands were killed in action. It applies also to those who have participated in military engagements as members of the post-war voluntary corps or against the foes of the National Revolution. See the ordinance of May 6, 1933.

[46] Under the act of December 24, 1925, an exceptional power of removal was granted against those public servants "*che, per ragioni di manifestazioni compuite in ufficio o fuori di ufficio, non dana piena garanzia di un fedele adempimento dei loro doveri o si pongano in condizioni di incompatibilità con le generali direttive politiche del Governo,*" *Legge* No. 2300 (*Leggi e Decreti del Regno d'Italia*, 1926, p. 3).

[47] See the ordinance of May 6, 1933.

[48] Sec. 4 of the act. See also the ordinance of May 6, 1933.

[49] Heyland, *loc. cit.*, p. 1166.

[50] Sec. 6 of the act.

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on their official conduct.[51] It also opened a welcome avenue to secure racial homogeneity in case the so-called "Aryan section" had not brought about the desirable result against "old-timers" or war veterans.[52] In order to facilitate the transfer of civil servants, especially from ministerial departments to the field service,[53] the Restoration Act rounded out its program by granting the right to administrative departments freely to move public servants into other positions of equivalent career,[54] even if the new position should pay a smaller salary and be of lower rank.[55] In the interest of accelerated action, administrative authorities were relieved from lengthy investigation. Each civil servant, on request of his departmental chief, had to fill out a comprehensive questionnaire on his professional training, his war service, his antecedents (including his grandparents), and his party affiliations.[56] Nobody was entitled to a formal hearing; but the departments were officially advised to give attention to any comments that the civil servant should care to bring forward "within three days."[57] Deviating openly from the previous trend of German administrative law, the Restoration Act did not allow appeal of final decisions rendered under the act to the law courts or to administrative or disciplinary tribunals.[58]

While the Restoration Act was a transitory, though revolutionary, measure aimed mainly at a rapid and effective adjustment of the higher civil service,[59] the subsequent act of June 30, 1933, turned its face toward the future. For our purpose, we may pass over its many detailed innovations, including its exceptional provisions concerning women as public officers.[60] Here it suffices to emphasize that pronouncement which writes

[51] According to one of the official press releases (see note 42 *supra*), out of 69 public officers recently removed under the Restoration Act, not less than 47 were retired under section 6 of the act.

[52] According to the same press release (see note 51 *supra*), out of 69 recently removed public officers, only four were retired as "non-Aryans," while not more than 16 were dismissed as politically unreliable. See also note 45 *supra*.

[53] Seel, *Erneuerung*, p. 32. [54] Sec. 5 of the act.

[55] The civil servant, however, for the time being keeps his existing title and salary, and is allowed to ask to be put on pension instead.

[56] No. 3 (II) of the ordinance of April 11, 1933 (*Reichsgesetzblatt*, I, p. 195). A sample of the questionnaire is to be found as the annex to the ordinance of May 6, 1933. [57] See the ordinance of May 6, 1933.

[58] Sec. 7 (I) of the act. [59] See the ordinance of May 6, 1933.

[60] Henceforth women must be at least 35 years old before they may be appointed as public officers for life (Sec. 1a (II) of the National Civil Service Act as amended by the act of June 30, 1933). Women civil servants must be dismissed in case of their marriage if their economic future appears to be permanently guaranteed by the family income. (Sec. 1 (II) of the act on Legal Position of Women Civil Servants of May 30, 1932 (*Reichgesetzblatt*, I, p. 245) as amended by the act of June 30, 1933. As far as the salary of women civil servants is concerned, their claim to equal pay under the Weimar constitution (Art. 128) has been set aside (Sec. 6b, Chap. III, of the act of June 30, 1933.

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an undebatable *finis* to the chapter of civil service neutrality. It reads: "As national civil servant may only be appointed one who possesses either the training required for his career or the customary training or other special fitness for the office conferred upon him *and gives the guaranty that he will at all times fully identify himself with the state of the National Revolution.*"[61] According to express provision of the act, the same applies to any other public officer, state or local, throughout the Reich.[62]

Never before in the history of German bureaucracy had a change of such import taken place in so short a time. It touched the foundation of established civil service ethics. It raised the most serious spiritual conflict in the hearts of hundreds of thousands of sincere neutral-minded servants of the state for whom National Socialism had thus far been nothing else than the creed of just another party.[63] The new faith had soared down on them like a hawk. Before they found time to contemplate its full import they were reminded that, from now on, they were Hitler's "soldiers in plain clothes."[64] They were ordered to greet each other and the public with raised arm in "German salute."[65]

Moreover, the Restoration Act had broken up the former impermeableness of German bureaucracy. Though, in my estimate, the actual turnover under the act did not surpass ten per cent, it carried disastrous uncertainty and an atmosphere of distrust into the ranks of the civil service. The National Revolution took its course "in a turmoil of strength

[61] Sect. 1a (I) of the National Civil Service Act as amended by the act of June 30, 1933. And since the civil servant must prove himself in his "whole mode of life" worthy of his profession (Arndt, *loc. cit.*, p. 38), "non-Aryans" or persons married to a "non-Aryan" may no longer be appointed as civil servants; civil servants of "Aryan" parentage who marry a person of "non-Aryan" descent must be dismissed (Sec. 1a (III) of the National Civil Service Act as amended by the act of June 30, 1933). See also the regulations defining "non-Aryan" parentage, issued by the national minister of the interior on August 8, 1933 (*Reichsgesetzblatt*, I, p. 575).

[62] Sec. 6 (II) of the act of June 30, 1933.

[63] Müller, *loc. cit.*, p. 52, explains (from the National Socialist point of view) that similar conflicts "always result" in damage to "the authority of the state."

[64] Müller, *loc. cit.*, p. 53.

[65] Decree of the national minister of the interior of July 14, 1933. In the same line are other recent regulations. For instance, civil servants have never been permitted to carry emblems or badges of political character while in service. Cf. Brand, *Reichsbeamtengesetze*, p. 103, and Arndt, *loc. cit.*, p. 45. However, according to a decree of the Hamburg state cabinet of May 12, 1933, "emblems or badges or uniforms of the National Socialist German Workers' party or of the Steel Helmets are not considered as such." See also a decree of the Hamburg state cabinet of March 29, 1933, which forbids civil servants "to belong to any Marxist (i.e., Social Democratic or Communist) organizations." Cf. the following extract from a decree of the national minister of the interior of July 17, 1933: "The professional interests of the civil servants will be pursued by the state itself. Petitions of civil servants or of civil service organizations concerning questions of salary, classification, career, etc., are therefore not only unnecessary but also inadmissible."

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and weakness."[66] It necessarily affected the morale and the discipline within the public service. Old feuds among colleagues as well as between superiors and subordinates were renewed. A wave of denunciations swept the desks of personnel officers. The spirit of revenge raised its shameless head. Many a chronic failure in the service scented a new era of promise. The traditional hierarchy founded on rank and standing crumpled. The fear of removal, in the midst of a time of widespread unemployment, engendered cowardice. Outside influences found an open door. For a while, the new National Socialist staff organization [67] wielded more controlling power than the legitimate superiors. But even within this organization, and between it and the National Socialist heads of departments, tension originated easily. For the time being, public administration, deprived of its stability, turned introvert.

Doubtless, consolidation will be achieved in the course of time. Obedience and discipline have too long been traditional virtues of German bureaucracy to fade away forever under the present ordeal. The disappearance of competing political parties means, furthermore, salvation from the conflict of competing loyalties. A permanence of the one-party state will certainly ease transitional difficulties for the German civil service; for there is no more essential condition for the smooth functioning of the public service as the instrument of government than stability. And the ethical foundation of civil service ideology has much in common with the emotional pattern of the New Deal, with its emphasis on allegiance, devotion, and sacrifice[68] and its middle-class appeals.

Yet the substantial identity of the victorious National Socialist party and the considerably centralized[69] Reich will cast its shadow on German bureaucracy. The civil service as such had no part in the erection of the Third Reich.[70] From the National Socialist point of view, it had failed in the struggle for German rebirth as bitterly as had the German intelligentsia. Men "with a hard will and still harder fists"[71] had accomplished whatever the National Revolution could boast of. And the menace of

[66] Oswald Spengler, *Jahre der Entscheidung.* I: *Deutschland und die Weltgeschichtliche Entwicklung* (München, 1933), p. ix.

[67] *NSBO.*, i.e., *Nationalsozialistische Betriebszellen-Organisation.*

[68] Merriam, *loc. cit.*, p. 200, correctly observes that the German civil servants, even during the post-war era, "have helped to perpetuate in actual practice the German philosophical theory of *Der Staat* as the supreme human institution for the accomplishment of man's highest purposes."

[69] See *Gesetz zur Behebung der Not von Volk und Reich* (note 36 *supra*); *Erstes Gleichschaltungsgesetz* of March 31, 1933 (*Reichsgesetzblatt*, I, p. 153); *Reichsstatthaltergesetz* of April 7, 1933 (*Reichsgesetzblatt*, I, p. 173), as amended by the acts of April 25 and May 26, 1933 (*Reichsgesetzblatt*, I, pp. 225 and 293).

[70] Hanns Seel, *Der Beamte im Neuen Staat* (Berlin, 1933), p. 10.

[71] Seel, *Der Beamte*, p. 11.

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"Marxism" and Communism was as yet not destroyed.[72] In such a dangerous time it was requisite in the eyes of the new authorities to fill official positions not only with civil servants, but also with "trustworthy and tried fighters of the national front,"[73] as one of the commentators on the Restoration Act explains. Moreover, through the institution of "political officials,"[74] which had already existed in pre-war times, the New Deal could comfortably "adapt the highest and leading administrative positions to the necessities of politics."[75] Here the outsider, too, was welcome.

The transformation of this theory of continued emergency into practice cannot, I think, justly be termed the adoption of the "spoils system" as long as it is not extended farther. It bears, however, certain implications. We must keep in mind that in a state without opposition political reliability is but the minimum requirement for office-holding. In competition with adherents of *the* party, a merely politically reliable man is bound to be handicapped. The holder of the approved belief will know his way through the inspiration of faith. He can execute his faith without specific training.[76] In a spiritually homogeneous people, he can enforce the will of the leader without formal safeguards of "independence" through life tenure. Such logic could readily legitimize a throughgoing transformation of the legal status of civil servants, although as yet there are no sound indications of Germany's intention to discard life appointment as a principle of personnel management in public administration.

On the other hand, it is not too hazardous to say that the institutional preponderance of bureaucracy as an integrating force in German government is definitely challenged. The rôle of the guardian of the public weal has been taken over by the National Socialist party. It represents the will of the community. And it is permeated by the task of guiding the nation to reconstruction, spiritual, political, and economic. As long as it continually creates an "elite" of its own, keen and self-assertive, this "elite" will reduce the functional performance of the leading class in the civil service to a mere supervision of administrative enactment in its technical aspects. That, too, would mean a completely new page in the history of German bureaucracy.

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[72] *Ibid.*, pp. 10, 19.

[73] *Ibid.*, p. 9 ff.

[74] Cf. Otto Goldberg, *Die Politischen Beamten im Deutschen Rechte, insbesondere im Reich, in Preussen und Sachsen* (Dresden, 1932).

[75] Seel, *Der Beamte*, pp. 11–12.

[76] Addressing the 11 *Reichsstatthalter* on July 6, 1933, Chancellor Hitler has stressed the necessity of leaving the management in *economic* life to the competent. "*In der Wirtschaft,*" he urged, "*darf nur das Können ausschlaggebend sein*" (*Hamburger Anzeiger*, No. 156, July 7, 1933). Here, however, the emphasis is on business only, not on the performance of public functions.

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Surveys of State Administrative Organization: Iowa and Wyoming.[1] Largely in response to the urgings of the newly elected Democratic governor of Iowa, Clyde L. Herring, the forty-fifth general assembly early in its session passed the necessary legislation to make possible a survey of state and local government in Iowa by the Brookings Institute for Government Research. The survey was begun early in February, 1933; and by the end of July, it was possible to file the report with the interim committee of the legislature which had the matter in hand. This report was published by the state in January, 1934, as a paper-covered volume of 650 closely printed pages. This volume does not include Part II, Chapters 16–20 inclusive, which deal with revenue; this portion was printed separately in pamphlet form for the use of the special session of the general assembly in November.

The report deals largely with the state administrative agencies, county and township government, and the school system. The legislative and judicial branches are not touched upon, neither is municipal government; and there is only a brief treatment of elections. The existing situation is described clearly and criticized carefully. A comprehensive, thoroughgoing program of reform is offered and defended.

The report does not advocate putting all of the administrative services into a few big departments, headed by appointed secretaries who might possibly constitute a governor's cabinet. In this respect it departs from the model set by Illinois in 1917, and recommended by many writers in the field of administration. This survey would abolish about half of the existing administrative agencies, and would leave twenty-five separate and distinct departments or offices. Many of these would remain much as they are, after a redistribution of functions. Of the existing principal administrative offices, that of secretary of state suffers the most serious deflation. Under the recommendations of the survey, it would become a mere bureau of records, under a person appointed by the governor and accountable to him. This department's present functions of administering elections, the automobile license laws, the blue sky laws, and certain duties in connection with supervision of real estate operators, are all distributed to other departments.

The attorney-general's office becomes a department of justice and looms up as the most potent of all the administrative agencies, unless perhaps it be the comptroller's office. The survey contemplates an appointed attorney-general, wholly responsible to the governor. This de-

[1] *Report on a Survey of Administration in Iowa Submitted to Committee an Reduction of Government Expenditures by the Institute for Government Research of the Brookings Institution* (Iowa City, 1933). *State of Wyoming. Report made to the Special Legislative Committee on Organization and Revenue by Griffenhagen and Associates* (Cheyenne, 1933).

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partment would be amply equipped to enforce all laws and to relieve other departments of various inspectional duties which they now possess. As envisaged by the survey, it affords a striking example of integrating functions and of consolidating services of like character in one department.

The recommendations concerning education will strike many as very drastic, and would perhaps give rise to more differences of opinion among students of administration than most of the other suggestions. The existing state department, headed by an elected superintendent, would be abolished. The board of education, which is now composed of nine members, three appointed every two years for six-year terms, and which now controls the three institutions of higher learning, would be retained, though so altered that one member would be appointed each year for a nine-year term. Here is an outstanding illustration of a purpose to get one of the most important fields of state administration definitely removed from the control of the governor. The board of nine would appoint a superintendent to head up the public school system. Thus the institutions of higher learning and the school system would be integrated and centralized under one authority.

Iowa is now peppered with typical tiny school districts. The survey would sweep them all away and centralize the public schools, rural and city, under an elected county board of education. A substantial equalization fund would be set up by means of which the state would equalize to some extent the costs of public education; for it is believed that even the county unit would be too small to iron out the inequalities that are so glaringly apparent in connection with school finance.

It may be particularly significant that the plan for centralizing control of financial operations of the state in the hands of the governor and his appointed comptroller do not extend to the institutions under the control of the board of education. That agency is left free to collect, hold, and disburse revenues, such as tuition fees, gifts, etc., without turning them into the state treasury. Since these revenues constitute nearly one-half of the cost of maintaining the institutions, the exception is of considerable importance.

As said before, a characteristic thing about this survey is that its recommendations do not slavishly follow any of the orthodox dogmas of administrative reorganization. Thus the small number of big departments and the cabinet idea are set aside; and power to control administration is not concentrated in the governor. Many of the departments would be under the control of boards, the members of which have long, over-lapping terms, organized thus for the very purpose, in part, of guarding against dictatorial control on the part of the governor.

A badly needed department of public welfare is provided for, headed

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by a board of three appointees, sitting for six-year over-lapping terms, and having power to appoint a full-time director. It would take over control of the state hospitals and penal institutions, would contain several bureaus, concerned with such matters as child welfare, mental hygiene, etc., and also would have a large measure of supervisory control of county welfare units, which are contemplated in the survey. The department of health is not integrated with it.

The state's part in highway construction and maintenance would seem to be minimized. Iowa's system of primary roads is pretty well completed, and the survey would seem to contemplate a continuation of a large measure of county control in the matter of secondary road building and maintenance. This is another illustration of departure from the dogma of centralization.

On the other hand, a well conceived state tax commission is given adequate power to administer all the tax laws. This duty has been scattered among several agencies. An entirely new revenue program is devised for the state, the chief feature of which is a net income tax. The special session of the general assembly in 1933–34 enacted new taxation measures, including this plan for a net income tax, a two per cent corporation tax, and a two per cent retail sales tax.

A beautiful piece of work was done by the survey in the matter of unscrambling the functions of auditing, accounting, and budgeting. And best of all, the recommendations were adopted by the state very much as they were presented. This was done by the forty-fifth general assembly in the spring of 1933, before the survey was much more than well under way

Iowa's old board of audit, an ex-officio agency charged with pre-auditing, and with ordering the issuance of warrants, was abolished. The auditor remains an elective officer, with the function of post-auditing all accounts. His power of auditing also extends to local government units. The state had a wholly inadequate budget system. The budget director was appointed by the governor, but held office for six years instead of the governor's two. No student of administration would need to be told that such a system will not work. Under the new plan, proposed by the survey, a comptroller, appointed by and wholly responsible to the governor, displaces the old budget director. The comptroller prepares the budget strictly as an agent of the governor. He also prescribes all accounting forms for all spending agencies, and receives their reports.

It is this new officer, the comptroller, who exercises the function of pre-audit, and issues warrants. Budget appropriations are to be looked upon merely as maximum appropriations. Each quarter, the spending agencies apply for their proportional allotments under the budget provisions. The comptroller may withhold allowances in case there is no money in the

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treasury—not a very impressive power perhaps! And in case it becomes necessary to reduce allotments, they must all be reduced proportionately. This eliminates discretion and opportunities to discriminate unfairly. But it also eliminates the possibility of using revenues that are available to the best possible advantage. Nevertheless, the comptroller as set up in the new law has great possibilities, and the people of Iowa may anticipate much better financial administration than was ever possible under the old scheme.

Two entirely new state departments are provided for in the state purchasing agent and a state personnel board, both well conceived and badly needed in Iowa. The existing state board of health, the department of agriculture, and the railroad commission are not greatly altered, although it is stated that *when* the railroad commission is merged into a state utility commission, the members should be appointed instead of elected as they now are.

It is somewhat surprising to find the present wholly independent banking department and the insurance department left alone; although it is recommended that some day they be merged into a common department of business regulation which would include, as well, the administration of the blue sky laws, the supervision of the real estate business, and other like matters.

Recommendations concerning county government contemplate reducing all boards of supervisors to three, appointment of the county auditor and the treasurer by the board, and merging of the offices of recorder and court clerk into one, appointed by the district court. The county attorney would be appointed by the attorney-general—a recommendation that would encounter tremendous political resistance; and the coroner naturally is abolished. Obviously, these proposals involve drastic shortening of the county ballot, which of course is much to be desired. Townships would ultimately be abolished, which is likely to occur in any event, for this area is steadily being drained of its functions.

County consolidation is discussed as a thoeretical possibility; but the enormous difficulties are appreciated, and it is recognized that the need for this is not so pressing in Iowa as in many other states. The contention that it would result in equalization of burdens is far more convincing than the argument that it would result in genuine reduction of costs.

To sum up: This survey is to be noted for its moderation. It contains fewer recommendations for drastic change than are found in most such surveys. An aggressive advocate of reform would continually be disturbed by the lack of positive, forceful recommendations in certain matters, and at such statements as this concerning the secretary of agriculture: ". . . it may be necessary at some time in the near future to consider changing this office from an elective to an appointive one." Aggressive

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advocates of reform would want a positive assertion that the change should be made now. Such statements are rather frequent, and appear in connection with the attorney-general's office, the banking and insurance departments, the department of labor, the workmen's compensation service, and other agencies. Nevertheless, the absence of dogmatic assertion respecting many of these matters lends great value to the survey. It points the direction that reform should take without demanding that it be done at one stroke. And it should be said that there is no lack of positive assertion with respect to the really vital changes such as those involving the finance offices. Wise discrimination has been shown as to what is vital and what is not.

The Brookings Institution has rendered the state an extremely valuable service in helping to get some of these measures actually adopted, and has outlined an excellent foundation upon which Iowa can rebuild her administrative structure. An interim committee of the legislature will sit during the summer and autumn of 1934 to study the survey and bring in definite proposals for consideration by the forty-sixth general assembly in 1935. It is likely that substantial progress will be made next winter.

In February, 1933, the Wyoming legislature provided for a special joint committee to study all governmental functions in the state, with a view to recommending to a special session reforms which would tend to simplify and to reduce costs of government. This committee employed Messrs. Griffenhagen and Associates of Chicago to make a survey. The study was duly made, a report was filed, and the document was printed by the state in December, 1933. It appears in two paper-covered volumes embracing together about nine hundred pages.

This survey included all phases of government, not only administration, but also the legislative branch, the judiciary, and city government, as well as counties and school districts. Nevertheless, as might be expected, it is very largely devoted to state administrative reorganization and to revenue.

The existing governmental structure and processes of government are described at considerable length and are criticized thoroughly. Some of the criticism is more sweeping than tactful, and may well be expected to arouse hostility, no matter if it is fully deserved. Thus: "The present elective county superintendents are not properly qualified to supervise the rural schools of their counties; . . . In no cases are properly trained school administrators elected to the office" (I, p. 68).

It is interesting to observe that the Griffenhagen people in Wyoming, as well as other experts in other states, have recommended that one board of education, the members of which should be appointed for overlapping terms by the governor, should have full charge of the institutions of higher

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learning and the public school system as well. Of more striking significance, however, is the bold recommendation that all local control of education be swept away. The state itself would become the unit for educational administration. Numerous tables of figures have been compiled to show the inequalities now existing among school districts. The figures are convincing, and it is apparent that school districts do not carry educational burdens in anything approaching reasonable proportion to their wealth. An effort was made to evaluate the quality of teaching in the district schools—the chief measures being academic degrees held by the teachers, and their years of experience. The conclusions, of somewhat doubtful value, support the main thesis that small school districts are altogether undesirable. However, the blunt assertion that a million dollars would be saved by going to the "state unit" plan may not carry conviction, in spite of the extended estimates of savings that are compiled to prove the point (I, p. 222).

Severe criticism of highway management by county authorities is followed up with the unequivocal recommendation: "That the boards of commissioners of the several counties be relieved entirely of all responsibility for public highways . . ." (I, p. 233). It is then proposed that a state highway department take over all the highways of the state and divide the state into ten districts for purposes of administration.

Assessment of property through elected county assessors is roundly condemned, as also is financial administration in the counties. It would appear that the system is "ridiculous" and is permeated with politics (I, p. 410). Police functions should be assumed by the state. The county does not appear to be a suitable area even for the administration of out-door poor relief. Hence one is not surprised to find that the survey is in favor, not merely of county consolidation, but of county *elimination*. It would be difficult to find anywhere in print a more complete and devastating indictment of county government than is to be found in this survey. In so far as mere figures can prove the case, the conclusions are rather convincing. From the point of view of saving dollars and cents, and the equitable distribution of the costs of government, Griffenhagen and Associates make it pretty clear that the county ought to be abolished. The case is especially strong because Wyoming is so thinly populated. But it is by no means so clear that local administration need continue to be so bad as they think it now is. Since there is very small possibility of Wyoming doing away with county government, it is to be regretted that this survey does not give more attention to the possibility of improving the machinery that is altogether likely to remain for many years to come.

Contemplating the virtual abolition of local government, outside of the municipalities, the survey suggests a compact, well integrated state administration to take over state and local functions. Eleven departments are

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proposed, among which all administrative functions are to be distributed. Department heads are to be appointed. The department of finance looms up as an all-powerful department, quite overshadowing the others. In it would be found the usual finance functions: budget control, pre-audit and accounting, and also the functions of purchase and administration of personnel. Other proposed departments would be: state, law, military, education, welfare, highway, public works, state police, public lands, and insurance. It is to be observed that the state police unit is not tied in with a department of justice. The attorney-general is to conduct a law office and not a police force. Heads of departments are to constitute an administrative cabinet.

To this extent, the proposed set-up is orthodox, and represents the viewpoint of those who believe in a small number of big departments, all tied up to a chief executive. But very radical departures from American practice are suggested with respect to the chief executive and the legislature. It is proposed that the bicameral legislature be abolished, and that in its place there be a single-chamber legislature composed of from nine to twelve members elected through a system of proportional representation. This recommendation in itself is sufficiently startling; but the suggested relationship between the legislature and the executive and the administration is still more unusual.

There would be a state administrator, selected by the legislature and responsible to it. He, in turn, would appoint the various department heads and exercise supervisory control over them. Such a plan, of course, is an adaptation of the "manager" idea to state government. The position of the governor would seem to be somewhat anomalous. It is recommended (II, p. 222) "that the governor be elected by the legislature from among its members, or by the electorate directly, to serve as the presiding officer of the legislature and as the official head of the state government, but not as an administrative officer."

This is certainly a remarkable suggestion, and one cannot but be struck by the casual way in which the two alternatives are offered: selection by the legislature or election by the people! Although the governor would preside in the small legislative assembly, it appears that he would have no powers in relation to the state administrator. As an alternative to these suggestions, it is proposed that ". . . an assistant governor be appointed as a permanent and continuing technical officer, to be responsible to the governor for administration of the affairs of state." Surely here are some novel ideas for the student of political science to labor with.

The dominating thought running through this entire survey appears to be that government is like a business corporation. The criticisms offered and the changes recommended all reflect this underlying attitude. The legislature becomes a board of directors and appoints a manager. The

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governor becomes an honorary figure-head. Counties are to be abolished because they are uneconomical. An exceedingly large amount of space and attention are given to auditing and accounting. Possible savings in dollars and cents are estimated at every turn, and are often predicated upon untried methods. School teachers are to be used as election officials in order to save money. Everything revolves around the central objective of efficiency and economy, from a business point of view.

To a great many people this would be the highest possible endorsement of the whole study; and certainly much credit is due for having adhered steadfastly to this line, However, students of political science may find the survey somewhat lacking in appreciation of other factors than dollars and cents efficiency. Good government is something more than good business; and what might be rather bad business could well be very good government. Authoritative control from above has much to recommend it in business, in terms of dollars and cents. It is by no means so certain that concentrated power, on the state level, of such governmental functions as highway administration and the management of schools would yield the same good results. This is especially true when political considerations are properly weighed, and when the interest of the people in what they conceive to be democracy and self-government is considered.

On the whole, the rest of the country might wish that Wyoming would try some of the reforms advocated in this survey. But the special session of the legislature which met last winter to consider the report adjourned without adopting them.

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Constitutional Revision in Poland. Following a day of parliamentary skirmishing during which the behavior of the majority sometimes recalled the parliamentary tactics of the illustrious American Speaker of the House of Representatives, Mr. Thomas B. Reed, the Polish Sejm, on January 26, adopted an entirely new constitution for Poland. The bill providing for this action had been introduced in the Sejm by Marshal Pilsudski's parliamentary allies, the government *bloc*, toward the end of 1933, but they had consistently failed to secure a majority of two-thirds demanded for amendments by the existing constitution. On the 26th, however, opposition deputies, in protest against the threats of the government *bloc* to alter the usual procedure as well as against the *bloc*'s attempt to dragoon them into acceptance of the bill, withdrew in a body. Instead of adjourning, the rump of the Sejm, on recommendation of M. Car, its deputy marshal, constituted itself a quorum and proceeded to rush the constitution bill through the required three readings and adopt it by unanimous vote.[1]

Although Marshal Pilsudski applauded the procedure of his partisans and joined them in ridiculing the opposition parties for their ineptitude as parliamentary tacticians, he is not quite satisfied with the proposed revision. Parliament has accordingly been adjourned to be reconvened in special session early in the summer.[2] During this special session it is expected that the Sejm will consider the Marshal's amendments and that the Senate will vote upon the bill as it originally passed the Sejm, modified by such amendments as the Sejm, guided by the Marshal's wishes, may introduce. Unless consideration of these amendments should lead to a reconsideration of the entire measure in the Sejm, thereby giving the opposition an opportunity to muster its strength in that chamber, the constitution bill will undoubtedly become law in the near future, since the revisionist forces have a majority of two-thirds in the Senate.

Every prospect thus exists for terminating more than eight years of agitation by the politicians and parties allied with Marshal Pilsudski for radical changes in the legal organization of the Polish state and government. The agitation was initiated by the Marshal immediately after his *coup* of May, 1926. At that time, Parliament passed a series of constitutional statutes increasing the cabinet's budgetary powers and authorizing it to issue certain decrees with the force of law. The cabinet was also empowered to use the weapon of dissolution against the Sejm without first securing the consent of the Senate as the constitution had originally di-

[1] For details of the procedure, see *New York Times*, Jan. 27, 1934.
[2] *Ibid.*, Mar. 17, 1934.

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rected.[3] Further than this, however, the existing parliament was not inclined to go. Nor did the succeeding parliament, elected in March, 1928, make any concessions, despite the fact that the cabinet prepared a most ambitious reform project and brought unusual pressure to bear upon the opposition deputies through the press and through its allies in Sejm and Senate.[4]

In the autumn of 1930, the agitation for revision entered upon a more vigorous phase. The obstreperous parliament was dissolved and new elections were held during November. In the electoral campaign, every effort was made to return senators and deputies favorable to the Marshal's cause in number sufficient to yield in each chamber the two-thirds majority necessary for revision. The Marshal himself became premier, and he and his most popular lieutenants headed the lists of the government parties throughout the country. Before the campaign was well under way, some twenty opposition deputies were seized and imprisoned in Brest-Litovsk and other fortresses. Chiefly, these represented the left-center parties, particularly the group of parties called the Centrolew which were bitterly opposed to Pilsudski. Among their number was M. Wincenty Witos, premier at the time of the *coup* of 1926, and the Silesian political leader, M. Adelbert Korfanty.

Despite the preparations and precautions, the elections were not entirely successful from the revisionist point of view. Immense gains were made by the government *bloc* in both chambers, but only in the Senate were they sufficiently extensive to give the *bloc* its desired majority of two-thirds. In the Sejm, the *bloc* secured 247 of the 444 deputies, or 49 less than two-thirds of the total. Favorable action by that body upon any of the projects of revision which the cabinet immediately introduced had to wait, therefore, until the occasion already described when the government *bloc* used strategy to compensate for the lack of votes.

The central theme of all of the cabinet's abortive plans for constitutional change before 1934 had been the need for a stronger executive. The existing constitution, it was alleged, condemned both the president and the ministers to political impotence, the former because of his technically irresponsible position under the parliamentary system, the latter because of their dependence upon the shifting and wholly unpredictable currents of partisan bargaining and compromise in what had become the most party-ridden parliament in Europe. Instead of an instrument of government, the constitution of republican Poland, like the constitution of royal Poland before the partitions, was a charter of political anarchy.

[3] See the author's *Experiment with Democracy in Central Europe* (New York, 1933), pp. 193–194.

[4] For details of the project, see F. A. Ogg, "A Proposed New Constitution for Poland," *Current History*, April, 1929, pp. 165–166.

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For the *liberum veto* vouchsafed the nobility in the historic constitution the modern constitution had simply substituted the *liberum veto* of the parties.

Loyal Pilsudskists, moreover, believed that the weak executive of the constitution of 1921 was not the creation of misguided liberals but of political opponents of their leader. They believed that the doctrinaire parliamentarism of the Third French Republic had been deliberately foisted upon Poland in 1921 by the Polish conservative and liberal bourgeois parties in the Constituent Sejm in order to provide a legislative master for the Marshal who at the time was serving as Poland's chief of state.[5] By means of this constitutional device, these parties had subsequently driven Pilsudski into retirement. Only the enduring loyalty of the army enabled him to restore his ascendancy in 1926 and establish *de facto* the strong government which Poland so sadly needed. For the followers of the Marshal, therefore, recognition of a strong executive in a new constitution, besides being in the highest degree expedient, would also constitute a formal apology for the wrong done the leader by the "spite" constitution of 1921, and would grant juridical recognition of his practical statesmanship since 1926.

The startling preponderance of the executive in the constitution now being proposed is thus quite understandable. This preponderance has been secured principally through radical changes in the office of president. Instead of being elected by Parliament, the future president will secure his office as a result of an electoral procedure in which Parliament is only indirectly involved.[6] An electoral college, or Electors' Assembly, is to be instituted consisting of 80 electors, including the marshals of the Sejm and Senate, the premier, the president of the Supreme Court, and the inspector-general of the military forces, together with 75 other citizens of merit, 50 to be chosen by the Sejm and 25 by the Senate. The college is to make a single nomination for the presidency; at the same time, the presidential incumbent is to nominate a candidate. The nation's voters are then to be called upon to decide between these two. The incumbent may, however, adopt the nominee of the college as his choice; in that case, the nominee of the college automatically becomes president, the popular vote being dispensed with.[7] The president will hold office for seven years.

The position of the president will differ radically from the titular status accorded him in 1921. He is to be recognized as the most exalted

[5] Roman Dyboski, *Poland* (London, 1933), p. 417.

[6] The following analysis of the proposed new constitution is based upon a translation furnished the author by the Polish Press Information Service, 385 Madison Avenue, New York City. A summary appears also in the *Bulletin* of the Polish Press Information Service for Jan. 15, 1934, pp. 5–8.

[7] Art. 16.

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public authority in the state, superior to cabinet, parliament, the army, the courts, and the public services.[8] Certain prerogatives are to be accorded him in the exercise of which no ministerial counter-signature will be required, and for which he will not be accountable to any authority unless possibly the electorate. The more important of these prerogatives include the power to appoint and remove the premier, the commander-in-chief of the army, and the inspector-general of the military forces; also the power to appoint judges and other public officials, to dissolve the Sejm, to reconstitute the Senate, and to grant pardons.[9]

Though nominally committed to the president, it is apparently intended that the remaining executive powers shall be exercised subject to the discretion of the cabinet or the individual ministers. At any rate, the minister's countersignature is required to validate an act of the president which does not belong to the latter's prerogative powers.[10] It is not intended, however, that in the exercise of this discretion the ministers shall be politically responsible to Parliament; on the contrary, they are to be accountable only to the president by whom they are appointed and by whom they may be removed. The only trace of parliamentary responsibility which remains for the cabinet is the provision that the Sejm may request the president to recall the cabinet or to remove a minister. A resolution embodying such a request may be introduced only in a regular session of the Sejm and may not be voted upon until the following session. Even if it is passed at that time, the president need not grant the request, but may proceed instead to dissolve the Sejm. Should he fail either to grant the Sejm's request or to dissolve the Sejm within three days, the Senate may take up the resolution and approve it. In that case, the president must either carry out the request or else proceed to dissolve the Sejm and reconstitute the Senate.[11] For its temerity in suggesting a minister's removal, Parliament may thus be punished with political death.

Along with this freedom from parliamentary control, the ministers have secured many of Parliament's legislative powers. One of the most significant of these is the authority to suspend constitutional rights and to issue decrees with the force of law during a period of emergency. The decrees may affect any subject of legislation except constitutional amendments, the electoral procedure, and fiscal measures.[12] An even less restricted decree power exists in war-time, when constitutional amendments alone are excepted from the legislative discretion of the executive.[13] The proposed new constitution also states that the organization and jurisdiction of the public services are to be regulated by decrees, and Parliament is expressly denied the power to revoke decrees of this char-

[8] Art. 3.
[9] Art. 13.
[10] Art. 14.
[11] Art. 24.
[12] Art. 42.
[13] Art. 61.

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acter or to amend them.[14] Finally, the cabinet is authorized to issue decrees appropriating funds from the national treasury in case the Sejm rejects the project of the budget. Appropriations for the respective items of expenditure made in this manner may not be greater than the disbursements for the same items under the budget of the previous year.[15]

Over the army and military matters generally, the new constitution proposes to establish an executive hegemony as complete as Marshal Pilsudski has ever desired. Parliament may establish maximum limits for the size of the army; but presidential orders are to determine the annual contingent to be conscripted for service. Command of the army is lodged directly in the president as supreme chief. In case he appoints a commander-in-chief, the right to dispose of the armed forces devolves upon the appointee; but the president retains the right to supervise the subordinate's official acts and to dismiss him at pleasure.[16] The internal government of the armed forces is to be regulated by executive decree,[17] and decisions affecting peace and war are to fall within the exclusive competence of the president and the ministers.[18]

The contemplated changes in Parliament's organization and procedure are also revolutionary. The Sejm will continue to be constituted along democratic lines. Unless sooner dissolved, its membership will be renewed every five years according to the principle of proportional representation by an electorate consisting of all men and women twenty-four years of age or over who possess full civil rights.[19] The Senate, on the other hand, is to be entirely reconstituted. Its legal term is to be six instead of five years as at present, and its present membership of 111 is to be increased to 120. Of this number, 40 are to be appointed by the president and the remaining 80 are to be elected by a group of electors chosen from among the more distinguished citizens of the republic in accordance with the terms of a law still to be enacted. One-half of the elected and appointed senators are to retire every three years. Special provision has been made for constituting the first Senate under the new constitution. Its entire membership is to be chosen by an electorate consisting of citizens who hold the Polish Cross of Independence, a few thousand at the maximum, and of those former soldiers, about two thousand in number, who have been awarded the decoration *Virtuti Militari*. Apparently, service in the Senate is to be the badge of a new aristocracy, since the title of senator is to be conferred not merely for the duration of the service but for life.[20]

The powers of the new Senate, though greater than at present, will remain inferior to those of the Sejm. Only the cabinet and the Sejm will

[14] Art. 44.
[15] Art. 45.
[16] Arts. 47, 48.
[17] Art. 44.
[18] Art. 12.
[19] Art. 28.
[20] Arts. 35, 36.

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enjoy the privilege of initiating laws; but the Senate is to be accorded the privilege of amending or rejecting measures passed by the Sejm, its action to be regarded as definitive unless the Sejm opposes it by a majority of three-fifths.[21] Any measure upon which the chambers agree, or which the Sejm reënacts over the objections of the Senate by a vote of three-fifths, may be returned by the cabinet for reconsideration. Should the cabinet proceed to exercise this privilege, a measure can become law only in case both chambers can muster an absolute majority for it at a subsequent session of Parliament.[22]

Regular sessions of the chambers are to occur each year not later than November. The cabinet may also call special sessions of the Sejm, and upon demand of one-half of the deputies, it must call a special session within thirty days. The agenda of the special session, however, are to be limited to matters indicated in the order of convocation.[23] In war-time, the president, acting through the ministers, may extend sessions of the Sejm until the conclusion of peace, and convene, prorogue, and close sessions at his discretion.[24] The issuance of an order to dissolve the Sejm or to reconstitute the Senate, as already indicated, is to be one of the personal prerogatives of the president.

This analysis of the new constitution has proceeded far enough to make it clear that the régime which it contemplates will not differ greatly from the dictatorial governments now in existence in certain other states of Europe. Though it may not prove to be quite as vigorous as the Fascist régime in Italy, or as devoid of deliberative institutions as Chancellor Hitler's political system in Germany, it will be formidable enough. An executive authority endowed with all the prerogatives of a future Polish president is not likely to be seriously handicapped by a Sejm whose authority over the ministers has been practically nullified and whose extremely limited powers of legislation are threatened by suspensive vetoes exercised by an oligarchic Senate and by a virtually irresponsible president and cabinet. If democracy and parliamentarism are not to be quite as superfluous in the new Poland as in the new Italy or in the new Germany, they will probably be reduced to pathetic innocuity.

The new dispensation is not to be without its label. In a speech on the new constitution delivered to the Polish war veterans late in the summer of 1933, Colonel Slawek, former premier and leader of the government *bloc* in the Senate, called the guiding principle of the proposed new fundamental law "elitarism." According to Colonel Slawek, this principle demands that the public powers shall be shared by the democratic elements of the nation with the elite, those fitted for public service by special

[21] Art. 39.
[22] Art. 40.
[23] Art. 30.
[24] Art. 61.

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talents.[25] The principle is embodied in Article 7 of the new constitution, which declares that the citizen's right to influence public affairs will be measured by the value of his efforts in the service of the community. It has found its most characteristic expression in the method by which the president is to be selected, in his exalted constitutional position, and in the method by which the Senate is to be constituted. "Elitarism" is thus about to take its place, along with Russian Communism, Italian Fascism, German National Socialism, and Austrian Christian Patriotism, in the lexicon of Europe's contemporary authoritarian political experiments.

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New York University.

[25] Extracts from the speech appear in the *Bulletin* of the Polish Press Information Service for September 15, 1933, p. 73.

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NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

The headquarters for the 1934 meeting of the American Political Science Association will be at the Hotel Sherman, Chicago. The meeting will open on Wednesday evening, December 26 (instead of December 27 as previously announced), with a joint session of the American Economic, Statistical, and Political Science Associations and American Sociological Society, and will close with a luncheon session on Saturday, December 29. Aside from three general luncheon and evening sessions, and the annual business meeting of the Association on Friday afternoon, the program is to consist of a series of some twenty round table conferences, conducted on a wholly informal basis without set speeches or written papers, on topics related primarily to the impact of the depression and the recovery program upon American political institutions and processes. In order to insure informality of discussion, the participating membership of each conference group is to be seated around a table and limited to a maximum of fifteen persons, selected partly by invitation of the chairman and partly from those who apply for admission to the chairman in advance of the meeting. Those who desire to attend in excess of this number may do so as auditors, and for them chairs will be provided elsewhere in the room. The names of the round table chairmen and further details relative to the program will be announced in the October issue of the REVIEW. As announced previously, the chairman of the program committee is Professor Walter R. Sharp, University of Wisconsin.

Mr. W. A. Rudlin, of the London School of Economics and Political Science, will teach political science at Amherst College during the coming academic year.

Ex-Secretary Henry L. Stimson delivered four lectures at Princeton University, beginning April 9, on the Stafford Little Foundation. The lectures dealt with various aspects of the world situation.

Mr. Walter Lippmann gave the annual Godkin lectures at Harvard University during the period May 15–18 on the subject of "The Method of Freedom."

During the spring quarter, Professor Frederick L. Schuman delivered a series of four lectures at the University of Chicago on "The New Germany."

Professor John B. Whitton will be on leave of absence from Princeton University during the first half of the next academic year and Professor William S. Carpenter during the second half.

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Professor Harvey Walker acted as director of a short course on police administration held at Ohio State University from March 19 to 24. Forty-two students, representing four states, were registered.

Professor William Y. Elliott will be on leave of absence from Harvard University during the first half of the next academic year and Professor Arthur N. Holcombe during the second half.

Under the auspices of the Soviet Institute of Public Law, Professor Harold J. Laski, of the London School of Economics and Political Science, has been lecturing in Russia on problems of representative government.

Professor Rufus D. Smith, dean of Washington Square College, New York University, has been appointed to the newly created office of provost and has been succeeded as dean by Professor Milton E. Loomis.

Professor Tyler Dennett, of Princeton University, has been elected president of Williams College, of which institution he is an alumnus. By interesting coincidence, his predecessor, Dr. Harry A. Garfield, also went from a professorship in the department of politics at Princeton to the presidency of Williams.

From second deputy to the late Controller W. Arthur Cunningham of New York City, Professor Joseph D. McGoldrick, of Columbia University, was recently advanced by Mayor LaGuardia to the controllership.

After the Senate Committee on Commerce refused, in May, to report favorably the name of Professor Willard V. Thorp for director of the Bureau of Foreign and Domestic Commerce, President Roosevelt designated Dr. John Dickinson, assistant secretary of commerce, to act as director of the bureau until other arrangements could be made.

At the University of Michigan, Dr. James K. Pollock has been advanced to a full professorship of political science, and Dr. Lawrence Preuss to an assistant professorship.

Professor Charles G. Haines, of the University of California at Los Angeles, has been elected a member of the Institut International de Philosophie du Droit et de Sociologie Juridique. Other American members are Roscoe Pound, Albert Kocourek, Karl Llewellyn, and John Dickinson.

Professor Edward S. Corwin, of Princeton University, gave the lectures on the Storrs Foundation at the Yale Law School on April 9–12. His subject was "National Power in Constitutional Theory, *à propos* N.I.R.A." The lectures, four in number, will be published in a somewhat revised form by the Yale University Press.

Professor W. Leon Godshall has been granted leave of absence from Union College for the academic year 1934–35.

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Professor J. A. C. Grant, of the University of California at Los Angeles, will be in Europe during the summer and autumn.

Dr. John B. Mason, formerly an instructor in political science at the University of Arkansas, has been appointed professor of history at the Colorado Women's College, Denver.

Professor N. D. Houghton, of the University of Arizona, is giving courses on political parties and international relations in the summer session of the University of Missouri.

After spending the past academic year as visiting professor at the University of Chicago, Professor John M. Gaus is returning to his regular position at the University of Wisconsin. Professor Edwin E. Witte, who since retiring a year ago as chief of the Wisconsin Legislative Reference Library has held a professorship of economics at Wisconsin, will, beginning in September, give part of his time to the political science department and will be in charge of courses on legislation and state administration.

Mr. Paul V. Betters, executive director of the United States Conference of Mayors and the American Municipal Association, served as adviser to the federal civil works administrator during administration of the federal C.W.A. program, but has now returned to Chicago to resume his regular duties with the Conference and the Association.

Professor Peter H. Odegard, of Ohio State University, is serving as acting professor of political science at Stanford University during both spring and summer quarters.

Professor Edwin A. Cottrell is taking a partial sabbatical from Stanford University during the spring and summer quarters and is remaining on the Pacific Coast during the time. Professor Graham H. Stuart was acting head of the political science department during the spring, and Professor Hugh McD. Clokie is serving during the summer.

During the spring quarter, Mr. Chester H. Rowell, editor of the *San Francisco Chronicle*, delivered weekly lectures at Stanford University on current politics, under the auspices of the department of political science.

Professor Graham H. Stuart, of Stanford University, leaves in June for nine months in Europe, where he will visit representative legations and consulates in connection with a study of diplomatic and consular procedure. He will deliver a series of lectures at the Academy of International Law at The Hague during the summer and in the fall will lecture at the Carnegie European Center in Paris.

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Dr. Herbert Wright, professor of international law at the Catholic University of America, has been elected president of the Catholic Association for International Peace.

Professor C. I. Winslow, of Goucher College, spent a portion of the past academic year in England, where he carried on a study of parliamentary procedure.

Mr. Lee S. Greene, who spent the past academic year in Washington as a Wisconsin-Brookings fellow in political science, has been made instructor in the Extension Division of the University of Wisconsin.

Dr. Rodney L. Mott, formerly of the University of Chicago and more recently research consultant of the American Legislators' Association, has been made director of the school of social science at Colgate University, organized in accordance with the new "Colgate plan." The school includes the departments of history and politics, economics and sociology, and education. Dr. Mott will also conduct courses in political science.

Professor Marshall E. Dimock returned to the University of Chicago in early spring from a three month's survey of activities in the Panama Canal Zone, later giving a series of six lectures on government-operated enterprises in the Zone. He has been appointed secretary of the department of political science in succession to Professor Leonard D. White. Professor White, whose tenure as a member of the United States Civil Service Commission is of indeterminate duration, has been granted an extended leave of absence by the University.

Through the efforts largely of Professor Morris L. Lambie, of the University of Minnesota, and Mr. George E. Harrold, city planning engineer of St. Paul, a state planning board of seventeen members was organized in Minnesota during the spring.

President H. Y. Benedict, of the University of Texas, has announced the establishment of a bureau of municipal research, to be operated in connection with the department of government in the University. Dr. Roscoe C. Martin, associate professor of government, has been named director.

A 200-page guide to the "Emergency Agencies and Facilities" of the New Deal has been compiled by the National Emergency Council. The manual is in question and answer form and includes charts showing the relationships of the various agencies. It may be secured by writing to the National Emergency Council, Washington, D.C.

The fifteenth annual meeting of the Southwestern Social Science Association was held at Dallas, Texas, on March 30–31. A very full program was presented, organized in sessions on agricultural economics, govern-

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ment, history, human geography, business administration, and sociology. The program was prepared by a committee under the chairmanship of Professor F. H. Buechel, of the University of Texas.

The first of a series of conferences on government to be held under the auspices of the Arnold Foundation at Southern Methodist University, Dallas, Texas, took place on March 2–3. Five sessions were devoted to varied groups of papers, most of them dealing with aspects of constitutional revision, legislation, administration, justice, elections, and local government in Texas.

Under the auspices of the Sub-Committee on Political Education of the American Political Science Association, a conference on the coördination of law-enforcement machinery in New Hampshire was held at Dartmouth College on May 18–19. The conference consisted of some thirty judges, lawyers, law-enforcement officers, and professors of political science, with Professor Harold R. Bruce as director.

At the fourth Institute of Foreign Affairs, held at Earlham College on May 17–19, round tables on Far Eastern and Latin American topics were conducted by Mr. Grover Clark of New York City and Professor Dana G. Munro of Princeton University. Lectures were given by both of these men and by Mr. George A. Finch, managing editor of the *American Journal of International Law*.

The third summer institute for teachers of international law will be held at the University of Michigan from June 27 to July 31. Admission is by invitation only. Courses are to be offered by Professor Jesse S. Reeves, who is acting as dean of the session, by Dr. James Brown Scott, who is chairman of the institute, by Professors George Grafton Wilson and Charles Cheney Hyde, and by Mr. George A. Finch.

Round tables at the eighth Institute of Public Affairs, to be held at the University of Virginia July 2 to 14, include one on county government and state planning, another on current conflicts in the Far East, and a third on management versus regulation in government, led by Professors George W. Spicer of the University of Virginia, Grover Clark of Columbia University, and Thomas H. Reed of the University of Michigan, respectively.

Plans for establishing an Institute of Urbanism at Columbia University to aid "in that vast reorganization and rebuilding of New York City which is believed to be inevitable" were announced in April. Modeled on the *Institut d'Urbanisme* of the University of Paris, the Institute would have as its purpose to carry on researches relating to the immediate problems of the city, such as administrative reorganization, economic and social development, and the physical facilities for urban life.

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The George Washington University has announced the establishment of a Center of Inter-American Studies, to be administered by a council including Dr. James Brown Scott, of the Carnegie Endowment for International Peace, Dr. Leo S. Rowe, director-general of the Pan-American Union, and eight other persons specially qualified to advise and coöperate. The activities of the Center will include courses of instruction, special lectures, publication, research, professorial and student exchanges, radio broadcasts; and the general director will be Dr. A. Curtis Wilgus, associate professor of Hispanic American history in the University.

Under the auspices of the American Council of Learned Societies, the Committee on International Relations of the University of California, and International House at the same university, a summer seminar on Far Eastern studies, designed for mature scholars, will be held at Berkeley from June 25 to August 3. The emphasis will be upon Oriental cultural backgrounds rather than on current social and political situations. A similar seminar was held at Harvard University during the summer of 1932.

The lecture program for the coming summer session at Ohio State University will consist of a course of twelve talks on various aspects of the New Deal. Graduate students who wish to take the course for credit will be required to follow a reading syllabus and attend a weekly seminar led by the lecturers for the week. During the course, lectures will be delivered by Dean Walter J. Shepard on the philosophy of the New Deal, by Dr. H. Schuyler Foster on international aspects of the New Deal, and by Professor Harvey Walker on the program of the New Deal. Dr. Walker is chairman of the Summer Session lecture committee which is in charge of arrangements for the course.

The Graduate School of the American University announces the launching of a new series of publications under the immediate sponsorship of the Cumulative Digest of International Law and Relations. A board of editors has been established under the directorship of Professor Ellery C. Stowell, and the first volume to be issued—Dr. Catheryn Seckler-Hudson's *Statelessness; With Special Reference to the United States* —has come from the Digest Press. This volume will be reviewed in an early number of the REVIEW.

The Sub-Committee on Publications of the Committee on Policy held a meeting at Columbus, Ohio, on April 21. Dean Walter J. Shepard, president of the Association, and Professor Frederic A. Ogg, managing editor of the REVIEW, were also in attendance, and the committee devoted most of its time to a discussion of problems and policies pertaining to the REVIEW as presented for consideration by the managing editor.

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It dealt in some detail with the preferable types of general articles, the proper apportionment of space between interpretative articles and the periodic summaries of constitutional, political, and administrative changes, and the arrangement of book reviews and notices. The sub-committee has in mind no proposals for important changes in the form and content of the REVIEW; but it is to consider the matter further and will welcome suggestions from members of the Association, who may send their comments to any member of the sub-committee, i.e., Professors B. A. Arneson of Ohio Wesleyan University, F. G. Crawford of Syracuse, and F. W. Coker of Yale.—F. W. COKER.

Beginning this year, the Institute of Justice formerly held at the University of Chattanooga is converted into an institute for discussion of aims, objectives, and methods of social and economic planning as exemplified by the Tennessee Valley Authority. At a session of the Institute held during the week of April 23, prominent speakers were brought together from various parts of the United States, and round tables were conducted by (among others) Professor Howard W. Odum of the University of North Carolina, Professor Ray B. Westerfield of Yale University, and Dean William Mikell of the University of Pennsylvania.

A second regional conference to consider the problem of uniform regulations for buses and trucks will be held at Salt Lake City, June 25–27. Like the Interstate Bus and Truck Conference held at Harrisburg, Pennsylvania, in October, 1933, the coming meeting is being organized at the request of a state legislature. During a special session last summer, the Utah legislature adopted a resolution calling a conference of eleven western states and requesting the American Legislators' Association to organize it. Resolutions endorsing the calling of the conference were adopted by several of the state legislatures in that region, and by the Western Conference of Governors at its meeting in Boise, Idaho, November 28, 1933. The importance of the subject to be considered can be measured by the attendance of scores of state legislators and public officials from seventeen northeastern states at Harrisburg. It is expected that official delegates—members of legislatures, motor vehicle and highway commissioners, public utility commissioners, and others—from all of the far western states will attend the Salt Lake conference.

The third annual Mid-West Institute of International Relations, arranged by the American Friends Service Committee, will be held at Northwestern University from June 25 to July 6. A twelve-day course of lectures and round tables is announced as designed especially for "public and private school teachers, ministers, field and local peace workers, college students, and others interested in promoting world peace." Among lecturers and leaders will be President W. C. Dennis of Earlham College,

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Professors Grayson L. Kirk of the University of Wisconsin, Quincy Wright of the University of Chicago, and Charles E. Chapman of the University of California, Messrs. Kirby Page, Clark M. Eichelberger, Grover Clark, and Miss Dorothy Detzer. Applications for membership are to be sent to Room 901, 203 S. Dearborn St., Chicago.

Professor Albert Russell Ellingwood, of Northwestern University, died at Evanston on May 13 after an illness of three months. Born in Iowa, Professor Ellingwood was graduated from Colorado College in 1910, later receiving the degrees of B.C.L. from Oxford and Ph.D. from the University of Pennsylvania. After teaching at Colorado College and at Lake Forest College, he joined the faculty of Northwestern University in 1926, attaining a full professorship in 1930 and in 1932 becoming assistant dean of the College of Liberal Arts. His published works include *Departmental Coöperation in State Government* (1918), and, with Whitney Coombe, *Government and Labor* (1926) and *Government and Railroad Transportation* (1929). At the time of his death he was compiling a bibliography of American constitutional law.

An American committee for coöperation with the International Union of Local Authorities at Brussels has recently been established with headquarters at the American Municipal Association in Chicago. Represented on the committee are the American Municipal Association, Public Administration Clearing House, International City Managers' Association, Municipal Finance Officers' Association, American Legislators' Association, Institute of Public Administration, National Municipal League, Bureau of Public Administration of the University of California, and the United States Conference of Mayors. The committee is developing plans for representation of the United States at the General Assembly of the International Union to be held at Lyons, France, from July 19 to 22. One of the two subjects on the agenda for the Lyons conference is teaching and research in local government and administration. Information concerning the meeting may be obtained from the secretary of the American committee, Mr. Paul V. Betters, at Drexel Avenue and 58th Street, Chicago.

The Social Science Research Council has announced the award of 46 grants-in-aid of research, 14 new fellowship appointments, and one fellowship reappointment for a period of one year. The grants-in-aid total $22,175; the fellowships, over $48,000. No fellowships were awarded this year to political scientists, but recipients of grants-in-aid include Professors Kenneth Colegrove, Oscar Jászi, Harvey Walker, Francis G. Wilson, and Harold H. Sprout. A grant was made also to Professor Ellingwood, of Northwestern University, whose death is recorded elsewhere in this number of the REVIEW. The Council desires to call attention to two

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new series of training fellowships in the social sciences, which will be offered for the first time for 1935–36. One of the new series will be known as "pre-doctoral fellowships for graduate study," and will be open to persons not over 25 years of age, who shall not have been enrolled in any graduate school for more than one semester before July 1, 1935. The purpose of these fellowships is to aid exceptionally promising students of the social sciences to obtain research training beginning with the first year of graduate study. The other new series will be known as "pre-doctoral field fellowships," and will be open to persons not over 27 years of age who are candidates for the Ph.D. degree, and who shall have completed, prior to the end of the academic year 1934–35, all courses and examinations for which they are eligible before completion of the thesis. The purpose of these field fellowships is to supplement formal graduate study by opportunities for field work which will assure first-hand familiarity with the data of social science in the making. The "post-doctoral training fellowships" will again be offered, under policies and regulations similar to those previously in effect. The closing date for the receipt of applications for grants-in-aid for the academic year 1935–36 will be January 15, 1935; for pre-doctoral field fellowships and post-doctoral training fellowships, December 1, 1934; for pre-doctoral fellowships for graduate study, December 15, 1934. All applications and communications are to be addressed to the Secretary for Fellowships and Grants-in-Aid, 230 Park Avenue, New York City.

A Laboratory of Public Affairs. To supplement theoretical and classroom study of government and politics with actual training in the practical operations of government, the National Institution of Public Affairs has been established at Washington for the preparation of a selective group of college juniors, seniors, and young graduates for service and leadership in public affairs. Self-governing, privately financed, nonpartisan, and non-political, but enjoying the coöperation of the National Administration, this "laboratory of public affairs" will appoint its students upon a plan similar to the selection of Rhodes scholars. Basic qualifications which students must have for selection by the Institution's committees will include, in addition to high scholastic standing and an active interest in the fields of politics and government, those qualities of character and ability which are so important to the elusive characteristics comprising the dynamics of leadership. Designed not to compete with existing educational facilities, but to augment academic study, the Institution will afford a knowledge of and a training in the practical functions, organizations, procedure, and methods of the federal government. Included in its laboratory program will be lectures by government officials; forums for discussion, debate, and analysis; observation of and assignment to

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actual government work and duties; special case problem work; and the writing of a report or thesis. In the students' application to actual governmental work, which will come as the last part of the program of study, it is planned that each student will be assigned as an "interne" to some branch of the government, probably the one that interests him most. For a period of several days, he will get this actual experience, coming to work and continuing through the day as if he were permanently employed. His assignment would be as an assistant to an official in the higher brackets of governmental positions. At the conclusion of this assignment, the student will devote his last week of the Washington program to a special governmental problem, function, or department.

This program of the National Institution, restricted as it will be to a comparatively small number of students each year, will not directly affect large numbers of American college students. In a supplementary activity, however, the Institution is stimulating the development of "public affairs forums" at each of the six hundred colleges and universities throughout the country. As well as is possible at a distance from the seat of government, these forums will study the practical operation of the federal government and concrete aspects of public affairs, and members will be encouraged to engage in the campaigns of their own political parties. These campus clearing-houses of practical public affairs will thus serve as preparation both for a tour of study in Washington and for a later interest and activity in politics and government. The agenda of these forums will not be confined to the federal government and national affairs, but will also include the consideration of current problems and a study of and active participation in local government and politics in the communities close to the colleges and universities. The National Institution of Public Affairs constitutes the first fundamental step in a conscious, objective program for the training of public leaders to replace the hit-and-miss, haphazard methods which have prevailed in the past. Further information may be obtained by addressing the Institution at 1001 Fifteenth St., Washington.—Otis T. Wingo, *Executive Secretary.*

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The Idea of National Interest; An Analytical Study in American Foreign Policy. By CHARLES A. BEARD, with the collaboration of G. H. E. Smith. (New York: The Macmillan Company. 1934. Pp. ix, 583.)

This volume, bearing the sub-title "An Analytical Study in American Foreign Policy," and called by the author a matter-of-fact inquiry into the meaning and use of the formula, is to be followed by another in which "an effort will be made to construct a consistent and tenable philosophy of national interest." In justice to the author, criticism of the present work should be made with the whole plan in mind. The reader unconsciously looks for a philosophy, or at least a philosophical theory, to guide him through the mass of facts which have been here collected. Not finding it, there is a sense of blurring, a lack of that orderly and logical unfolding of exposition which one naturally looks for in the writings of an investigator so competent and of a writer so skilled as is Mr. Beard. This aside, there are other shortcomings of the book. It is quite unnecessarily repetitious, and it certainly lacks balance and perspective. One feels that the entire matter has not passed through the alembic of one man's mind so as to give a sense of unity and of orderly development. The author makes due acknowledgement to his assistants and assumes responsibilities for the shortcomings of the book as well as for the opinions expressed. Such avowals, however, do not necessarily make a satisfactory product. Surely "national interest" (whatever that term may mean) ought to find expression in the treaties to which the United States has been a party since 1778. Aside from those which have resulted in territorial expansion, treaties are but rarely touched upon. Even the Monroe Doctrine is but incidentally discussed and principally with reference to Mr. Hughes's interpretations of it. Notwithstanding the emphasis upon the economic factors involved in national interest, the commercial treaties do not appear to warrant much, if any, consideration. After all, national interest as secured by diplomacy involves an adjustment with the national interests of other states.

There are the old antinomies to start with: Hamilton, commerce and industry, Republicanism and *machtpolitik*—Jefferson, agrarianism, the Democratic party. Mr. Beard's explorations of the subject give "two fundamental relevancies" in the field of national interest—territory and commerce. The study is therefore largely limited to these two factors. As to the first, continental expansion was motivated by the desires of the agrarian interests for land to be held by free farmers or exploited by slave labor, while overseas expansion was essentially a commercial expansion. The first was antebellum and Democratic, the second Whig and Republican. Remembering the circumstances leading to the signing of the

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Louisiana treaty, it strikes one as surprising that the Louisiana purchase should be set up as the first great demonstration of the policy of expansion to obtain land for farms (p. 54). In connection with overseas expansion, one is certainly entitled to some definite authority for the statement that Roosevelt "came to a *secret* understanding with Japan and Great Britain to preserve the *status quo* in the division of spoils in the Far East (p. 105)." Developing the concept of national interest in foreign commerce, there is introduced an essay upon the American stake abroad (Chapters VII–VIII) in which is clearly portrayed the shifting situation of American investments abroad down to 1932. That the concept of national interest is not wholly economic is seen in Chapter X, in which is discussed moral obligation in national interest. Yet its economic influences are clear: "Moral obligation as employed in American foreign policy is . . . secular and utilitarian (p. 388)," and is good for domestic consumption.

Since the crash the possibility of both Hamiltonian and Jeffersonian concepts have been challenged by stubborn facts. Mr. Beard states that these two inherited conceptions of national interest are in process of fusion and dissolution. His concluding sentence is arresting: "A new conception, with a positive core and nebulous implications, is rising out of the past and is awaiting formulation at the hands of a statesman as competent and powerful as Hamilton or Jefferson."

The volume is stimulating and provocative. The inductive method of arriving at a concept of national interest, even if limited to the two major relevancies, seems not to afford a clear-cut objective definition. A national interest would appear to be something which has been adopted by the government as a national interest. It is the attitude which determines, not the content, as was shown by the Senate's reservation on advisory opinions by the World Court. There are no theoretical limitations to a "claim" of national interest. The successful recognition of such a claim is, fortunately, not wholly a matter of national policy.

JESSE S. REEVES.

University of Michigan.

The Mainstay of American Individualism; A Survey of the Farm Question. By CASSIUS M. CLAY. (New York: The Macmillan Company. 1934. Pp. xiii, 269).

The Menace of Recovery; What the New Deal Means. By WILLIAM MACDONALD. (New York: The Macmillan Company. 1934. Pp. ix, 401.)

America Goes Socialistic; An Interpretation of Our Governmental Drift. By HENRY SAVAGE, JR. (Philadelphia: Dorrance and Company, Inc. 1934. Pp. 146.)

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The author of *The Mainstay of American Individualism; A Survey of the Farm Question* is a lawyer with a farm background. His book was written in large part, he tells us, before the existing agricultural experiments were afoot. He views the problem as a century-old one. His analysis leads him to the conclusion that creditors must share in writing down farm mortgages, that governmental costs must be scaled down, that there should be a more equitable distribution of the tax burden, that freight and public utility rates should come down, and that tariffs should be lowered. He is not for "the maintenance of prices through restriction of production or control over sources." Such plans, together with "resistance to the scaling down of fixed charges, to governmental economy, and to the reorganization of inflated capital structures" only "delay the reopening of the normal channels of trade."

Mr. MacDonald finds "the menace of recovery" in "the underlying assumption" that "social wisdom is the possession of the federal government, and that neither individuals, nor social groups, nor states, nor municipalities can be expected to act wisely and efficiently if left to themselves." The menace is in the marshalling and disciplining of the American people by federal agents, coercing them by federal authority, and penalizing them "by the President or the courts if they hesitate or disobey." The result, he feels, is a rapid march to a complete socialist order. The author makes an informative survey of the course of events from the days of the New Deal campaign to the fruition of plans into "the reorganization of American society on collectivist lines, with the federal government as the central source of authority and federal power as the directing and compelling source."

Mr. Savage, a member of the South Carolina bar, surveys the origin and growth of constitutions and of *laissez faire*, the "federal metamorphosis," the course of state governments and of our "omni-governing municipalities." He follows in factual detail the trend of governmental restrictions and activities, and concludes that "the social, political, and economic drift in America is, and for the past twenty-five years has been, clearly in the direction of socialism." He finds this trend in the growing burden of taxes, in the character of those taxes, in reducing the wealthy, and in the many public activities that "elevate the less favorably situated classes towards the social mean." He compares the Socialist platform of 1932 with the legislative and administrative programs adopted recently, and concludes that "there is scarcely a point in the [Socialist] platform which we are not working towards."

The fundamental query common to all three of these books is the extent to which collectivist tendencies should be suppressed. To the reviewer, certain social forces must be recognized as fundamental to this question. The first is that our economic order is not regimented by state lines, and

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hence the national approach is the only effective one. The second is that folkways change but slowly and traditions die hard. American folkways and traditions emulate the individual. The path to economic stability lies, therefore, in the national guidance of economic shifts with the greatest possible freedom to the individual consistent with that guidance.

CLYDE L. KING.

University of Pennsylvania.

Labor Under the N.R.A. By CARROLL R. DAUGHERTY. (Boston and New York: Houghton Mifflin Company. 1934. Pp. 37.)

Labor and the New Deal. By EMANUEL STEIN, CARL RAUSHENBUSH, AND LOIS MACDONALD. (New York: F. S. Crofts and Company. 1934. Pp. 95.)

On the whole, our legislatures, both federal and state, have passed comparatively little labor legislation. In most industrial countries, the rights of labor have been defined by legislative enactment, but with us such definition has been largely the work of the courts. And such legislation as has here been enacted affecting substantive rights of employer and employee has either been construed narrowly or held defective on constitutional grounds. Also in this country we have been comparatively slow in developing a labor movement, and with us labor organizations affect relatively small numbers of workers. These considerations make the National Industrial Recovery Act a most extraordinary piece of labor legislation. It provides for the first time a uniform body of labor legislation and affords incentive and encouragement to the formation and enlargement of labor organizations.

What this legislation has done for labor in providing a greater degree of economic well-being and security is the general subject discussed by Mr. Daughterty. Has N.R.A. made more jobs, reduced the work-day, eliminated sweatshop conditions, helped unions organize non-union workers, lessened the extent of industrial conflict, effected any change in employers' attitudes and tactics, produced any difference in court decisions? These are among the alluring questions posed. Unfortunately, as Mr. Daugherty himself says, no definite conclusions can now be drawn as to most of these questions. This is true even today, and more so when Mr. Daugherty was writing in the latter months of 1933. Such data as Mr. Daughterty has been able to assemble from so brief an experience do show that the economic well-being of labor has been definitely advanced under N.R.A. But there is little evidence of any revolutionary change in the attitude of employers toward the employer-employee relationship.

That labor's right to bargain collectively is not assured under N.R.A. is indicated by the fact that Senator Wagner has recently felt it necessary

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to introduce his labor disputes bill; that labor is not sufficiently secure in its employment under the Act is shown by the introduction of a bill to encourage the nation-wide enactment of state unemployment-insurance laws. The passage of these bills seems, at this writing, doubtful.

As to the attitude of the courts, there is as yet little or no basis for a conclusion. Stein, Raushenbush, and MacDonald do not undertake to reach any decision on this question, but they have collected useful Supreme Court opinions dealing with protective labor legislation, collective bargaining, etc. The authors point out that many of the principles incorporated in the N.R.A. have been declared unconstitutional. No opinion is ventured as to what the present Court will do further than to say that if the judges relax constitutional restrictions, "it will be the end of judicial supremacy upon such questions. In case the courts do not relax their control, it may be the end of the Constitution as we have known it." In the light of these observations, one may conclude that whatever attitude the Court may take toward the labor legislation embodied in N.R.A., judicial review of it will be of diminishing importance.

ALPHEUS T. MASON.

Princeton University.

The Economy of Abundance. By STUART CHASE. (New York: The Macmillan Company. 1934. Pp. 327.)

With government and economics linked together under the New Deal, this volume is of direct interest to political scientists. In it, Mr. Chase surveys the change from a handicraft to a high-energy culture, capable of producing an abundance of goods under a rational order. While he suggests desirable improvements in the existing capitalist economy, he offers no comprehensive and clear-cut program for effecting the transformation.

Analyzing our social changes in detail, Mr. Chase treats of the effects of technology on labor. Modern equipment is displacing farmers and industrial workers by the thousands, forcing them to seek relief in service trades. Labor is losing ground, while technicians and other white-collar employees generally are gaining ground. The Marxian doctrine of proletarian dictatorship, then, is not readily applicable to high-energy civilizations where the proletariat tends to disappear. On the capital side, according to Mr. Chase, technological progress has been accompanied by a tremendous rise in the debt burden. Too large a share of our income has gone into the capital goods sector, and too little into consumer's goods. By expanding plant capacity far beyond current needs, capitalism has undermined its own prosperity. Carrying on the theme of his *Tragedy of Waste*, Mr. Chase stresses the fact that saleability, rather than serviceability, is the guiding motive of modern capitalism.

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Inevitably, technology has affected governments. It has thrown many new burdens on the state, and has made our historic system of local autonomy obsolete. A shortage of markets abroad and the struggle for raw materials spell war and economic nationalism. To meet the changed conditions, governments must be reconstructed. Mr. Chase suggests the transfer of political power to great regional units, each directed by a staff of experts. Democracy would have as its sphere only those problems that do not involve economics. Public works would be financed by non-interest-bearing federal loans or by outright gifts. Further adjustments of credit will come from government ownership of the banking business, government printing of money, and a reduction of interest rates to practically zero. While personal property would be left largely in private hands, major industries will be rigidly controlled, or taken over by the government. Great masses of people are to receive public support, their labor being unnecessary under high-energy conditions. Checks and balances are to be largely discarded. On the whole, Mr. Chase favors governmental expansion, for retrenchment would reduce the income of officials and thereby cut their purchasing power. To clear the track for the above program, a national constitutional convention is proposed. Economic nationalism may yield to internationalism, while the mounting horrors of mechanized fighting may foster the abolition of war.

Only a tenth of the volume touches government, and even then the treatment is sketchy, for Mr. Chase frankly leaves such matters to "politicians and sociologists." As for the remainder of the text, a good deal of space is devoted to matters familiar to the readers of this magazine, such as farm life in 1760 and the story of invention. The volume is written in a popular style, with extensive use of citations from others, and with Mr. Chase's usual sprinkling of important tables as evidence of his accounting background.

WILLIAM BEARD.

California Institute of Technology.

The Choice Before Us; Mankind at the Crossroads. BY NORMAN THOMAS. (New York: The Macmillan Company. 1934. Pp. viii, 249.)

This work is Norman Thomas at a new level of analysis, commentary, constructive suggestion, and prophecy. The author has grown in his understanding and appreciation of the problems with which he deals and in his power to clarify the issues of our generation. He writes with conviction, but also with restraint and a sense of responsibility that is frequently absent in the work of social and political reformers.

Mr. Thomas analyzes the troubles which beset the world of today, vividly depicting the unrest and anxious bewilderment with which the

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average man looks upon the breakup of the old order and the passing of many things which once were classed among the "eternal verities." But "we are not destined either to salvation or destruction regardless of what we may do ourselves"; it is important "to see what choices are possible and how these choices may be made effective."

There follows a chapter on "What is Worth Saving?," in which the reformers are reminded that they will make grievous mistakes if they think there is no "fresh strength in the old virtues of liberty and tolerance," or if they think "the individual will be satisfied to have any state or commonwealth become forever his mind and his conscience"; also a chapter on "The Rise of Fascism," which he brands as "the last stage of capitalism, a capitalism upon which Adam Smith would look with horrified wonder," "the evilist spawn of capitalism and nationalism, of the acquisitive society and war."

The chapter on "Socialism and Communism" generously rejoices in the achievements of Soviet Russia and is a candid and realistic consideration of the desirability of establishing a United Front, a result which, in a supplementary note inserted in the book after printing, Mr. Thomas reluctantly admits is not hastened by such incidents as the Madison Square Garden episode.

Mr. Thomas views the New Deal as a program of state capitalism and likewise of economic nationalism, both of which he considers fraught with disaster to the workers. His treatment of "Social Forces in America" and "The Road Before Us" is an effort at appraisal with a view to presenting in the last chapter the chances for the choice he would have America make, viz., to build "The Coöperative Commonwealth." In this part of the book he examines the practical steps by which the socialist program must proceed if it is to capture the support of the workers, farmers, and engineers who are essential to the era of "shared abundance." Here also he frankly states the case for constitutional revision and some of the terms thereof; yet, though confirming Mr. Thomas in his leadership of the effort to find indigenous rootage for socialism in America, it leaves many serious questions of governmental and constitutional change uncovered.

RUSSELL M. STORY.

Pomona College.

The Hour of Decision. BY OSWALD SPENGLER. Translated by Charles Francis Atkinson. (New York: Alfred A. Knopf. 1934. Pp. xxi, 230; index, xiii.)

What the famous author of *The Decline of the West* had in mind in writing this book, which bears the sub-title "Part One: Germany and

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World-Historical Evolution," may perhaps best be indicated by a quotation which suggests both his problem and the broad sweep of his ideas: "The stupendous dynamism of the historical epoch that has now dawned makes it the grandest, not only in the Faustian civilization of Western Europe, but—for that very reason—in all history, greater and by far more terrible than the ages of Caesar and Napoleon. Yet how blind are the human beings over whom this mighty destiny is surging, whirling them in confusion, exalting them, destroying them!"

With a forceful array of ideas, Spengler tells what is happening to this age; but, although he interprets movements and events, he refrains from forming judgments and final conclusions. Clearly he is writing for the enlightenment of his own country, "to whom the storm of facts is more menacing than to any other country, and whose existence is, in the most alarming sense of the word, at stake." And while he detested "the sordid Revolution of 1918 from its first day" because "it was the betrayal by the inferior part of our people of that strong, live part which had risen up in 1914 in the belief that it could and would have a future," he by no means accepts the present régime with its "short-sightedness and noisy superficiality" as the way to salvation. Its foreign policy is its chief weakness, for "Germany is not an island. No other country is in the same degree woven actively or passively into the world's destiny."

But while the author obviously has Germany in mind, the work is not primarily an exposition of German problems, but of world problems. In fact, it may best be briefly described as a further elaboration of his *Decline of the West.* After briefly scanning the world's political horizon, he develops his thought under three main heads. Under the first, he shows that this age of world wars has destroyed the democratic forms of the Great Powers. In the second section, which occupies more than half of the volume, he describes in detail "The White World-Revolution," now at its goal but still unfinished; and behind this proletarian revolution "there looms the greatest of all dangers," which he discusses under the heading of "The Colored World-Revolution." Western civilization is, therefore, threatened, not by one, but by two, revolutions of major dimensions. "The one comes from below, the other from without: class war and race war." The "colored revolution" which has just begun will put an end to white civilization unless some mighty Caesar saves it, for parliamentary forms of government are done for. We are at the end of an epoch, and "he whose sword compels victory here will be lord of the world." The hour of decision is at hand.

The translator has succeeded fairly well in reproducing the mood and style of the author, although the numerous italicised words and phrases, sprinkled on nearly every page, do not always convey the force of the original. The most literal translation is not always the most exact. But

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this is a minor point. The book is one of the most stimulating and thoughtful works on world tendencies that has appeared in recent years.

KARL F. GEISER.

Oberlin College.

The New Party Politics. BY ARTHUR N. HOLCOMBE. (New York: W. W. Norton Company. 1933. Pp. vii, 148.)

It is almost a decade since Professor Holcombe, in *The Political Parties of Today*, shed new light upon the character of American parties as combinations of sectional interest-groups, and upon their history, which has been affected fundamentally by the shifting of sectional alliances. He now carries us into the future. He is concerned with a revolution, the growing ascendancy of urban as against rural population, and hence with the possibility of our travelling the road of Moscow or of Rome. Formerly, American politics was rural and sectional; in the future it will be more and more urban and class-conscious.

In the new era, we must analyze class interests as we used to analyze sectional interests. What are the chief classes of an urban community? Not the least interesting passages of this little book present the conflicting views of the Russian Bucharin and the German Geiger, and seek to show their application to the American scene. Alongside of these contemporaries, Aristotle appears: his "democracy"—the perverted form of the rule of the many—is the equivalent of the dictatorship of the proletariat; his "oligarchy" is the equivalent of fascism or the dictatorship of the bourgeoisie. Indeed, Professor Holcombe tries to identify fascism with the bourgeoisie. More cogent evidence suggests that it is a middle-class movement. The evidence is even stronger in Germany than in Italy; for there an impoverished and baffled middle class, which had nothing to lose and was ready for adventure, preferred the swastika to the hammer and sickle.

Aristotle believed that a state governed by the middle classes is the safest, as against domestic disorder, and the best practically attainable. Professor Holcombe apparently shares this view. He devotes his fourth chapter to the function of the middle class; the fifth chapter to its program; and from this standpoint he analyzes sympathetically the main features of the New Deal. It is not easy, of course, to define the middle class. Aristotle himself was indefinite. We must envisage neither the very rich nor the very poor, but people who regard themselves as forming a separate category between the two extremes of bourgeoisie and proletariat.

Professor Holcombe sets great store by education—education for citizenship and statesmanship—in his urban middle-class state. Schools

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will inculcate the right belief in justice and liberty, as well as "loyalty to the spirit of the constitution." In this respect, it appears they will be modelled after the educational establishments in Russia and Italy!

EDWARD M. SAIT.

Pomona College.

Law and the Social Order. BY MORRIS R. COHEN. (New York: Harcourt, Brace and Company. 1932. Pp. xii, 403.)

In this volume Professor Cohen has brought together and reprinted some thirty essays and book reviews on legal philosophy, published over a period of twenty years in various legal, philosophical, and other periodicals. These are now presented in four groups. The first, on the social scene, and the fourth, on contemporary legal philosophy, consist for the most part of critical reviews of books by American and European judges, lawyers, and publicists, including Oliver Wendell Holmes, Roscoe Pound, Herbert Hoover, Elihu Root, Rudolf Jhering, Joseph Kohler, Krabbe, and Pierre de Tourtoulon.

The second group, on law and the social order, and the third, on law and reason, are more extended essays discussing a variety of problems of legal philosophy, such as property and sovereignty, the basis of contract, the process of judicial legislation, the place of logic in the law, law and scientific method, and philosophy and legal science.

Most of the earlier articles first appeared in the *New Republic;* while it is significant of the increasing recognition of this philosophical writer by the legal profession that the later articles were largely published in leading law journals. Two of the reviews were first presented in the *American Political Science Review.*

A collection of this kind must lack the rounded completeness of a formal treatise. But the arrangement brings together discussions of related topics; while there runs through all of them a consistent point of view and basic ideas. These common elements of a philosophy of realistic rationalism and the principle of polarity, the author has set forth more fully in his volume entitled *Reason and Nature.* By the principle of polarity he means that categories which are generally believed to be opposed to each other actually involve and determine each other, like the positive and negative poles of a magnet. As one reviewer of this book summarizes this attitude: "He neither mistakes a half truth for the whole truth, nor for a lie, but recognizes it for what it is, and looks for the opposing and supplementary half-truth."

In the earlier papers, Professor Cohen criticizes conservative views and writers on legal problems. The later papers note defects in the methods and attitudes of the "liberal" writers and emphasize the importance of

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logic and reason in law, as he has elsewhere urged its importance in science.

This balanced attitude may be illustrated by the article "On Three Political Scientists"—Herbert Fisher, Leon Duguit, and Harold Laski. He has praise, as well as criticism, for the moderate liberalism of Fisher. He finds both Duguit and Laski stimulating, but subject to important limitations. The latter "are due to an unavowed craving for absolute distinctions which is apt to be strongest in those not devoted to technical philosophy. The public demands it of those engaged in political discussion. People generally cannot get enthusiastic about tentative policies and reserved statements. They crave absolute certainty from the statesman as well as from the physician and the priest. That is why the most influential factors in the world's political discussion have been absolutistic theologians like Calvin, doctrinaire Hegelians like Karl Marx, or classificatory zoölogists like Aristotle."

JOHN A. FAIRLIE.

University of Illinois.

Brandeis: Lawyer and Judge in the Modern State. BY ALPHEUS THOMAS MASON. (Princeton: Princeton University Press. 1933. Pp. 203.)

This book is not a biography of Mr. Justice Brandeis, but an interpretation; and as such it deserves a place beside the two excellent interpretative studies which we already have. Alfred Lief presented the social and economic views of Brandeis by a shrewd selection of his judicial opinions and other utterances. Felix Frankfurter has recently edited a group of brilliant essays interpreting the salient phases of Brandeis' social and legal philosophy. Professor Mason's method has been quite different. By hanging his material on a roughly chronological outline down to Brandeis' accession to the Supreme Court (Chapters I to VI), he has lent coherence to his narrative and at the same time has given a clear view of the predatory economic theory and Bourbon legalism against which Brandeis reacted so strongly. The portrayal of that reaction, which first took form in Brandeis' unique activities as the "people's lawyer," and later expressed itself even more effectively through the famous "Brandeis briefs," is not the least of the author's contributions. We see the man and the lawyer against the background of his times, and we understand clearly why the smugly orthodox should have viewed his elevation to the bench as a dangerous menace to the safety of the existing social order. The rest of the volume deals topically with some of the more conspicuous ideas and problems with which the judicial labors of Mr. Justice Brandeis have been concerned. Here we find emphasized his relentless reliance upon facts in the judicial process, his position with regard to trade unions, his

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theory of rate base and fair return, and his unyielding defense of individual civil liberties. There follow an illuminating comparison of Holmes the "skeptic" with Brandeis the "crusader" and a useful chapter of conclusions.

While Professor Mason has, of necessity, covered much familiar ground, his study at the same time either places needed emphasis or throws new light upon several aspects of the mind and work of this great judge. Those points which impressed the reviewer most strikingly may be mentioned. (1) Brandeis has always opposed the idea that the expanding size of business organizations or administrative units is evidence of economic progress or national well being. The resulting unwieldiness of these huge agglomerations of wealth and power impedes rather than promotes efficiency. At the same time, they constitute a continuing menace to that freedom of individual opportunity so essential in his judgment to a sound and wholesome national life. This has been said before, but Professor Mason wisely stresses it. (2) Brandeis has very properly been regarded as the strong friend and defender of labor. He believes in the necessity for and utility of labor unions and all the normal processes of collective bargaining. He has as advocate and judge defended the broadest types of protective labor legislation. But he has just as sternly resisted the selfish and unjustifiable demands of labor. He believes that trade unions should be incorporated and held legally responsible for their misdeeds, and he has refused to admit the existence of a wholly unrestrained right to strike. His social philosophy is too broad to be confined within the limits of narrow class interests. (3) The author states (p. 170) that "Mr. Justice Brandeis' liberalism as to economic and political rights is wanting in his opinions on 'moral' issues. . . . He has proved himself an authoritarian and even a paternalist in his interpretation of the Eighteenth Amendment and the Volstead Act." In support of this criticism, reference is made to the cases in which the Court speaking through Mr. Justice Brandeis denied the breweries and distilleries compensation for their losses when national prohibition became effective, upheld the conviction as against the claim of double jeopardy of the same person for possessing and then selling the same liquor, upheld the confiscation of "an innocent owner's motor car simply because a guest passenger has a small flask of whisky on his person," and held valid the rigid legislative restriction of medical prescriptions of liquor.

A re-reading of these opinions leads the reviewer to disagree with Professor Mason on this point. Each case seems fairly explainable in terms having nothing to do with the fact that liquor is the subject-matter of the legislation involved, and there is no internal evidence of "moral" prejudice. In the opinion of the reviewer, his attitude can with more reason be explained (a) in terms of adherence to long established and well recog-

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nized principles of constitutional law, as in the compensation and double jeopardy cases, or (b) as recognition upon the part of Mr. Justice Brandeis of the propriety of allowing Congress the widest possible choice of means to carry out the experiment of prohibition upon which it had embarked. This has been his consistent attitude toward other legislative experiments, just as it has been the attitude of Mr. Justice Holmes, who, incidentally, concurred in all four of these decisions. Perhaps Professor Mason knows from other sources that Mr. Justice Brandeis holds "illiberal" views upon the "moral" question of prohibition, but these decisions alone seem hardly sufficient evidence to support the charge. The point is, of course, a very minor one.

Finally (4), perhaps the most unique suggestion made by the author is that Brandeis is the spiritual father of the New Deal. Thus in the Preface one reads: "When one observes how, in recent years, his work and his ideas have been vindicated, Brandeis emerges as a truly remarkable figure. Recent events have borne out his fears as well as his hopes. There is scarcely a phase of the recent economic and social débâcle that he did not foresee. In their effort to deal with it, the Roosevelt administrators have been guided, essentially, by the philosophy and by something of the spirit of Brandeis. The New Deal is a response, as the President himself has said, to the country's need for "bold, persistent experimentation." While Mr. Justice Brandeis may not welcome all the responsibility thus thrust upon him, there can be little doubt that this suggested parallel of ideas is very striking, and that the Brandeis influence upon many of the most influential members of the "brain trust" has been potent.

The casual reader may complain of the more than five hundred footnotes with which the author has cut up his pages. The reviewer, who is not a casual reader when it comes to material on Brandeis, believes that these citations, quotations, and bibliographical references a good deal more than pay their way. The text itself is well written and interesting. A book like this will help smooth the path for a thoroughgoing biography of Mr. Justice Brandeis.

ROBERT E. CUSHMAN.

Cornell University.

Judicial Control of the Federal Trade Commission and the Interstate Commerce Commission, 1920–1930. BY CARL MCFARLAND. (Cambridge: Harvard University Press. 1933. Pp. 214.)

Although this book is an addition to an already rather voluminous literature, the competence and good judgment of its author make it a distinctly worth-while one. As is generally known, the Supreme Court has, in the enjoyment of its unlimited and beneficent discretion, per-

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mitted the Interstate Commerce Commission considerably greater freedom than the Federal Trade Commission, in their respective fields; and Mr. McFarland, after displaying this fact in detail (in which connection he shows himself able to steer clear of judicial jargon to a remarkable extent), asks its reason.

His answer (Chapter V) includes a variety of considerations: (1) The railroads are a public utility, but the mercantile world is not (this was before the N.I.R.A.). (2) The superior excellence, particularly as to administrative experience, and qualities of tact and harmony which this gives, of the older commission. (3) The much higher persuasiveness and informativeness of the opinions with which the Interstate Commerce Commission customarily supports its determinations. (4) The difference in the enforcement procedure open to the two commissions: "the orders of the Interstate Commerce Commission, unless set aside upon application of private parties to the courts, become effective within a specified time; but the Federal Trade Commission must apply to the courts for enforcement of each order"—an arrangement which puts the burden of proof on the Commission. (5) The much longer history of the Interstate Commerce Commission. Though once regarded by the Court as an interloper in the governmental field, it is so no longer. But the Federal Trade Commission is still a newcomer, and hence treated with the proper amount of suspicion. (6) While Congress since 1906 has steadily backed up the Interstate Commerce Commission, adding to its powers and responsibilities steadily, its attitude toward the Federal Trade Commission, once the latter had been brought into existence, has been that of Deity, who "does not tinker with a perfect plan."

All these points are well argued. Possibly the first and fourth are given insufficient weight. There can be little doubt that the Court's attitude toward the Federal Trade Commission has reflected to an important extent certain constitutional theories regarding the rightful powers of government; and in subjecting the Federal Trade Commission to the same procedure as it did the Interstate Commerce Commission at first, Congress definitely invited the same kind of judicial interference with the former as originally destroyed the effectiveness of the latter.

Some sentences from the author's final paragraphs state so effectively the most important conclusions of the volume that they should be quoted: "As the veto power of the courts is less and less to be explained (justified?) on the basis of a *laissez faire* philosophy, judicial interference with administrative regulation will become increasingly objectionable. However, the judiciary—as shown by the experience of the Interstate Commerce Commission—does respond to a determined legislative policy. . . . In the absence of clear and continuous manifestation of legislative policy, the courts fall back upon the common law and deny administrative author-

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ity. . . . Effective regulation under such a system [requiring 'joint action of judicial and administrative agencies'] is secured by the active co-operation of the legislative with the administrative arm of government."

EDWARD S. CORWIN.

Princeton University.

Double Taxation of Property and Income. By ARTHUR LEON HARDING. (Cambridge: Harvard University Press. 1933. Pp. 326.)

Double taxation is abhorrent to a professor of conflict of laws, because it seems illogical to him that two states should have jurisdiction to tax the same thing or claim. Conflict of laws as it is studied and taught in American law schools differs from that subject as it is studied and taught in Continental or English universities. Conflict of laws in the United States is often confused with the law of federalism, and it is difficult to tell whether any given rule is a constitutional rule of interstate relations, or of national-state relations, or a true rule of the conflict of laws, in the sense in which that phrase is used elsewhere, i.e., the rules governing the choice of law between laws of different nations. Professor Harding's book is a study of the internal conflict of laws of the United States much more than it is a study of the conflict of laws as applied to the field of American law versus some foreign law.

Without ever explaining why double taxation is vicious, Professor Harding develops an interesting thesis of the test which should, in his opinion, be applied to the question of whether a state has jurisdiction to tax things or claims. His conclusion is that the "integration test" is the one which ought to be applied and which is now being applied by the Supreme Court of the United States and by most of the state courts. On page 42, the formula to be used is presented: "It appears that the state may tax all property, goods, labor, services, and the like which have become identified with the economic structure of the state by incorporation into or integration with the business mechanism so defined. Generally speaking, the state is without power to tax wealth which has not become so integrated with the economic mechanism, even though the state may afford that property some protection, even though it may confer upon that property some benefit, and even though it may have the power to exercise some control over the property, or have jurisdiction over it in the larger sense of power to affect or effect rights in the property. It will be seen that there is a very minor exception to this principle in a few court decisions which allow a tax at the domicil in preference to permitting the wealth to go entirely tax-free. The right to tax then depends upon the fact that the economic wealth is being used in the coördinated economic task of the social group; that it is producing utility or wealth or

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service in connection with, as a part of, and because of, the economic solidarity of the social group; or that it has been so situated by the owner that its value or utility is increased because of the effect upon it of this interplay of individual and group purpose and enterprise." And again, on page 43, the author says that "it will be seen that, if the arguments here advanced are sound, jurisdiction to tax differs from the concept of jurisdiction in the wider international sense, employed in the conflict of laws. In the wider sense, jurisdiction means a capacity in the state to control, change, or otherwise affect the ownership, custody, and use of property."

The book is devoted to the application of this test to the different types of taxes—ad valorem taxes, inheritance and transfer taxes, taxes on persons, income taxes, and the taxes on acts.

The book is well done, clearly written, and represents a type of work in which law and political science are sadly lacking, because in it the author attempts to inject some rational system and arrangement into a confused field of the law. Occasionally one feels that he is too intent upon his formula, as when he speaks of the cases limiting the power of the national and state governments to tax instrumentalities of each other, as though these rules depended upon concepts of jurisdiction. They, of course, are rules of federalism, not rules of the conflict of laws.

The fact that Professor Harding's test is not as precise as he seems to think it constitutes no valid objection to it, because the test is justifiable if it makes it possible to understand the cases and prophecy future decisions the better because of it. No question exists in the author's mind, nor in this reviewer's, that the formula advanced in this book is helpful in explaining the trend of decisions. Professor Harding has succeeded in emphasizing a significant factor in the law governing jurisdiction, namely, the economic factor; and to have applied his test, formulated with reference to the economic factor, so thoroughly to the decisions on double taxation is in itself a notable and worth-while accomplishment. Books and critical articles are cited frequently, and the footnotes often contain brief summaries of points of view expressed in periodical literature. The book is not restricted to cases alone, for the theoretical writings have been examined with care.

Persons interested in constitutional law and federalism will appreciate the book despite the fact that it is a study in the conflict of laws.

OLIVER P. FIELD.

University of Minnesota.

Recent Political Thought. BY FRANCIS W. COKER. Century Political Science Series. (New York and London: D. Appleton-Century Company. 1934. Pp. ix, 574.)

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A volume by Professor Coker dealing with contemporary political theory was announced ten years ago. Students of this subject have been awaiting for a decade, therefore, the mature results of the author's scholarship. This period of expectation has been amply recompensed by the work which now comes from his pen. It is beyond doubt the best of the works on current political thinking, even aside from the advantage which it secures from being the latest to appear. Perhaps one of the chief regrets is the fact that there is so little of the author himself expressed in the interpretations which run through the volume. It is a work which should prove as valuable to the general reader as to the instructor who is looking for a textbook on contemporary thought.

There are striking features in the organization of the work, aside from the conscious elimination of a study of psychology and method in relation to politics. Almost precisely the first half is devoted to proletarian thought, a somewhat restricted middle portion deals with recent democratic theory, and the remainder examines the question of political authority and individual liberty. Such an organization is a matter of choice and emphasis, but it is a departure from the orthodox balancing of individualism and related concepts over against proletarian collectivist theories. The author sets the nineteenth-century individualistic world-view against philosophical idealism, Fascism, National Socialism, *Machtpolitik*, and political pluralism. Modern political conflict may show that the real antithesis, as the author implies, is between the *Weltanschauung* of Communism and that of Fascism and its bourgeois affiliates, such as nineteenth-century economic individualism.

In regard to a work of such masterful exposition and detachment, any reservations—and no critique is complete, of course, without reservations—must spring from subjective rather than purely scientific motivation. It is perhaps as true of Professor Coker as anyone else that for every two lines written there is another implied between. It is surely not an oversight that Hitler's *Mein Kampf* and other authoritative exponents of National Socialism, such as Rosenberg, are not listed in the bibliography on pp. 495–496, nor that this movement of gothic doctrinal roots should receive little more than mention in Chapter XVII. The reviewer has never been completely unfriendly toward political idealism. Consequently, it is somewhat of a shock to find Bosanquet's rational general will classified in a group of thinkers, including Pobiedonostsev, who believed that "the people have no uses for science and literature . . . they do need superstition, which education destroys . . . " (p. 438).

The communist seems to have accepted the challenge of fascists that their quarrel is one of fundamentally divergent philosophies. This question of Marxism *versus* Culture, so important at least to National Socialism, perhaps deserves closer analysis than Professor Coker offers. It

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would clearly be impossible for a non-Marxian to write an account of scientific socialism which would please the "official" Marxians of Russia. The official Marxians would contend that they are the genuine followers of Marx, and they would deny vigorously the implication of the author that they are not true sons of the *Communist Manifesto* and the *Capital.* They would say that there is no real difference between "orthodox" and "revisionistic" Marxism, and that Professor Coker's distinction between these arises from his acceptance of such writers as Kautsky as true interpreters of Marx. In Lenin there was, in this view, a return to Marx and not a modification of his doctrines.

The author is to be congratulated particularly upon the bibliographical work that he has done in this phase of political study. The volume should prove an invaluable guide for all who wish to read in the field of recent and contemporary political thought.

FRANCIS G. WILSON.

University of Washington.

Johann Gottlieb Fichte: A Study of his Political Writings, with Special Reference to his Nationalism. BY H. C. ENGELBRECHT. (New York. Columbia University Press. 1933. Pp. 221.)

Hitler's advent to power in Germany has given a most timely significance to this able and competent study; for, notwithstanding Fichte's republicanism, he is rapidly becoming the patron saint of National Socialism, and this with a good deal of reason. For National Socialism contains massive elements of Rousseauistic radicalism, and Fichte's ethical optimism, which Engelbrecht brings out with such vividness, has flowered forth amongst National Socialist doctrinaires into a sentimental illusionism regarding the infallible wisdom of the "people" which has had no counterpart in European history outside of the radical Jacobinism of the French Revolution and the reign of terror which followed it. It is precisely of this sentimental enthusiasm of the French Revolution that our author shows Fichte to have been the most eloquent apostle in Germany. The violent nationalism into which it turned in France under the Terror, the Directorate, and the First Napoleon is strikingly mirrored by Fichte's development after Napoleon had struck down Prussia at the battle of Jena. The author's purpose of correcting the previous one-sided impression given by writers on Fichte who have limited themselves to the reading of his *Reden an die deutsche Nation* has been achieved, and his readable and well-documented discussion of Fichte's political thought may perhaps prevent American scholars from accepting contemporary German interpretations at their face value.

Mr. Engelbrecht acknowledges his indebtedness to Mr. C. J. H. Hayes, and rightly; for his book bears all the earmarks of having been inspired

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by the work of that distinguished scholar and thinker. Yet one might wish that it had led him into a more detailed consideration of Fichte's thought in terms of Christian conceptions. This would have shed greater light on Fichte's relation to the Free Masons than the rather scattered Appendix on this subject affords us. Since Fichte's nationalism was tempered by a strong sense of cosmopolitanism, as Engelbrecht correctly points out, the idea of the natural man who is always to be found beneath cosmopolitanism deserves more careful scrutiny; for this idea varies according to the environment within which the particular thinker happens to live, and is usually a generalization from observed matter of fact. Fichte's natural man happened to be moral and devoted to culture, but why he was moral is not clear. Engelbrecht devotes but little effort to an analysis of the conditioning patterns in this particular sphere of assumptions and prejudices, although he gives laudably full accounts of Fichte's travels and experiences and relates these to the ideas of nationalism, republicanism, and socialism. He lays important emphasis on Fichte's low origin and the pride he took in being a commoner.

It is regrettable that there is no escape from Engelbrecht's conclusion: "Fichte is one of the prophets of German nationalism. He has influenced the growth of the national movement in Germany. But the revolutionary Fichte, the socialist Fichte, the Jacobin Fichte, who was the heart and soul of the nationalist Fichte, has been conveniently obliterated." If the concrescence, if the kinship, of these ideas were more generally recognized, the first step toward mastering all of them would have been taken.

CARL JOACHIM FRIEDRICH.

Harvard University.

Germany Prepares for War; A Nazi Theory of "National Defense." BY EWALD BANSE. (New York: Harcourt, Brace and Company. 1934. Pp. 357.)

Nazi Means War. BY LELAND STOWE. (New York: McGraw-Hill Book Company. 1934. Pp. 142.)

Ewald Banse, pseudo-geographer, was appointed professor of military science at Brunswick Technical College in February, 1933. He has written *Wehrwissenschaft* and *Raum und Volk im Weltkriege*. The former volume preached *Schrecklichkeit* and bacteriological warfare. Because of foreign criticism, the book was suppressed by the Nazi régime on October 20, 1933. On November 3, the publishers of the second book sold the English language rights to an English publishing house. On the same day, the German government confiscated the work and denounced it as the "senseless babblings" of an "irresponsible theorist" who was furnishing material for anti-German propaganda abroad. It was, nevertheless, translated by

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Alan Harris, and is now published in Great Britain and the United States as "an astonishing revelation of aggressive tendencies" by "a distinguished scholar and scientist" who is alleged to be an official spokesman for the military policies of the Third Reich.

That the rulers of the new Germany are romantic devotees of the *Heldentum* ideal, that they are utilizing every available means to inculcate war-worship in the masses, and that they are committed to a program of expansion involving the ultimate partition and destruction by military violence of Germany's neighbors, is beyond question in the minds of all well-informed observers of National Socialism. That the English-speaking world deserves to be fully informed of these facts also admits of no debate. That the translation and publication of this particular volume is the best means of achieving this end, however, is extremely doubtful. In the first place, the English title is highly misleading. The volume is concerned only incidentally with Germany's preparations for the next war. It consists primarily of a series of stale, *post mortem* observations on the last unpleasantness. In the second place, the volume is in no sense representative of the military literature of Hitlerism. The writings of Hitler, Rosenberg, Constantin Hierl, and many other Nazi leaders are far more revealing of the spirit of the new militarism. And as for the science of strategy, the Nazi régime has at its disposal scores of able tacticians, compared to whom Banse is a mere muddle-headed amateur.

Banse's book is valuable, therefore, only for foreign laymen who are completely ignorant both of Nazi militarism and of military science. Blood and thunder are here in abundance: "A grim, iron age lies before us. . . . The sword will again come into its own . . . War is a grand stimulant and uplifter . . . ," etc., *ad infinitum*. But the observations on strategy, past and prospective, and on national geography and psychology are too puerile to be taken seriously by any one. Here is much nonsense about "war-like and pacific temperaments" among races, trite comments on the tactics of the Great War, platitudes about climate, resources, and morale, and more nonsense about Poland, "restless, ambitious, and greedy," deserving of a new partition, Jugoslavia, "the Balkan war-profiteer," Czechoslovakia, "an ulcer in Germany's side," and other prospective enemies and allies. A clue to the writer's mentality lies in the sentence: "It is possible to get moon-stroke as well as sun-stroke, as the author himself once learned to his cost in North Africa." If re-armed Germany had to rely on such moon-struck strategists as Banse, the world would have little cause for apprehension. Unfortunately, far wiser and more dangerous practitioners of the art of war will be available when the day of reckoning arrives.

Leland Stowe's little book is far more useful for an understanding of contemporary military developments in Germany. The author is a for-

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eign correspondent of the *New York Herald-Tribune* who spent two months in Germany last autumn. His book is journalism, but journalism of the best type, accompanied by many shrewd observations and characterized by well-balanced judgments and interpretations. He examines with some care the extent of German re-armament and of Nazi war preparations, material and psychological. Some of his facts are already out of date. His calculation that there are 1,330,000 men in uniform in Germany was contradicted as long ago as last October by Roehm's admission that there were 2,500,000 members of the S.A., S.S., and Stahlhelm. Stowe errs elsewhere on the side of underestimating the extent of re-militarization. As a whole, however, the book is a valuable summary of the steps taken by the Nazi régime during its first eight months in power to prepare Germany for the conflict to come. The final chapter on the possibility of American neutrality in the next European war contains a number of useful suggestions deserving the thoughtful consideration of all Americans interested in refraining from making the world safe for democracy.

FREDERICK L. SCHUMAN.

University of Chicago.

International Organization. By HAROLD M. VINACKE. (New York: F. S. Crofts and Company. 1934. Pp. x, 483.)

"Law, organization, and politics . . . seem to present the large natural divisions of the field of inquiry of those concerned with the family of nations. This book is designed to serve the needs of those interested in study of the restricted field of international organization." In these words from the Preface, Professor Vinacke explains his purpose. He adds that the book is planned upon the conception that international society has essentially the same needs to satisfy as has a national society: these are for "legislation, adjudication, execution, and administration." The volume is, therefore, a functional study, and analytical rather than descriptive.

The book consists of fifteen chapters—466 pages of readable text. The first five chapters deal with the organization and nature in general of the community of nations. This includes the national state and its organization for the conduct of foreign relations. One chapter considers such international law as seems essential to the study of international organization; it can hardly be done effectively in so limited a space. More attention is given to the theoretical foundations—the federal principle and the "associative" principle; and a comparison between the governmental development of the United States and that of the community of nations occupies more space than does all of international law. The author denies that there is international government: "the basic principle of this organization is associative rather than governmental" (p. 121); in the field

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of international administration, however, "voluntary association and co-operation has tended to give way somewhat to the larger and stronger principle of government" (p. 102).

The following three chapters are assigned to international legislation—custom, the non-League conference system, and the League system. Three more chapters deal with the settlement of international disputes—arbitration, the Permanent Court, and conciliation. There are two chapters each for the executive function (including security and sanctions, and the execution of peace treaties), and for the administrative function, in and out of the League. The result is to give striking and unusual emphasis to the executive function, usually regarded as weak in international society.

The material is well digested and objectively presented, in the author's own words, with little technical jargon. His own views do not appear, unless by implication. The illustrations are simple, unhurriedly presented, and helpful—in spite of the perils of analogy. The work shows much original thinking; Professor Vinacke is interested in motivation and effects, and pays more attention to procedure than to structure. References are limited in number, but they are to standard and accessible works, and to original sources. There is no bibliography. The book is written cautiously, and may perhaps be charged with vagueness in spots; but there are few mistakes. It may be asked whether Article 26 of the Covenant has been amended (p. 104, note 7). Doubtless the author meant to say that the United States is a signatory, rather than a party, to the Inter-American Treaty of Arbitration (p. 234).

The book will be very useful and comprehensible for those seeking an understanding of the methods by which the community of nations acts.

CLYDE EAGLETON.

New York University.

Lord Riddell's Intimate Diary of the Peace Conference and After. (New York: Reynal and Hitchcock, Inc. 1934. Pp. xii, 435.)

Lord Riddell was the official British press representative at seventeen post-war international conferences, beginning with the Paris Peace Conference and ending with the Washington Disarmament Conference. In that capacity he acted as an official link between those conferences and the British press, was naturally a privileged observer, and had, as he himself says, "special facilities for recording what took place both on the stage and behind the scenes." He was, in addition, personally acquainted and friendly with the leading participants in these conferences, closely associated with the British statesmen and politicians of the war and post-war period, and particularly intimate with Lloyd George and the members of his government. Lord Riddell made good use of these opportunities

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and (in spite of a deep hatred of "the mechanical labor of writing with his own hand") kept a careful diary which has now been completely published, the volume under review covering the period from November, 1918, to November, 1923, and being a sequel to the previously published *War Diary*. This book is therefore a rapid survey of international affairs and of British politics during the immediate post-war years, is replete with pithy observations on the men and events of those striking times, and frequently contributes additional information of importance.

There are many moving accounts of particular events, such as the ceremony of handing the Treaty of Versailles to the Germans and the Washington Conference. Even more interesting are the comments on the men who participated in these events, among them Clemenceau, President Wilson, Lloyd George, Balfour, Hughes, President Harding. It is particularly noteworthy, in view of recent developments, that many of these war statesmen were apparently completely aware of an approaching social revolution and quite tolerant of it. Lloyd George is quoted as saying that he would like to see some Communists in Parliament; at a dinner attended by Lloyd George, Bonar Law, Field Marshal Sir Henry Wilson, and Lord Riddell, there seemed to be some doubts about the sacredness of the profit system; Bonar Law as well as Lloyd George considered the nationalization of the coal industry inevitable; Mr. Baruch expressed himself as prepared "to give up voluntarily, through the medium of taxation, a very large part of my income. I am convinced that, unless the wealthier classes take that course, they may have everything taken from them."

Among other interesting revelations in this Diary are that Baruch was offered the post of Secretary of the Treasury by Wilson (presumably after the resignation of McAdoo), but declined because he was a Jew and feared to embarrass Wilson; that Bonar Law considered that Kitchener was incompetent and had let Asquith down; that Lloyd George proposed, in 1919, to form a new party, and considered resigning in 1920; that Ambassador George Harvey had become converted to prohibition; that the idea of the Washington Conference actually originated in the British Imperial Conference of 1921 and that Lloyd George broached the idea to the United States, China, and Japan. "This," says Lord Riddell, "is one of the best things L.G. has done. There is no doubt that Harding's action is due to his initiative." But probably the most dramatic revelation is that President Wilson, in an interview with Baruch early in 1923, said: "Perhaps it was providential that I was stricken down when I was. Had I kept my health, I should have carried the League. Events have shown that the world was not ready for it. It would have been a failure. Countries like France and Italy are unsympathetic with such an organization. Time and sinister happenings may eventually convince them that some

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such scheme is required. It may not be my scheme. It may be some other. I see now, however, that my plan was premature. The world was not ripe for it."

These are but a few specimens of the rich content of the book. It is a most entertaining and instructive addition to the growing literature on the post-war period.

CLARENCE A. BERDAHL.

University of Illinois.

The Chinese; Their History and Culture. By KENNETH SCOTT LATOURETTE. (New York: The Macmillan Company. 1934. Two volumes. Pp. xiv, 506, 389.)

Professor Latourette's interest in the Far East, early stimulated by membership for a period on the faculty of Yale-in-China, was first manifested in literary form by the publication in 1917 of *The Development of China.* This was designed, in the words of the author, as "a short sketch for college courses which devote . . . only six weeks or so to China. . . ." In the same year appeared his *Early Relations Between the United States and China (1787–1844).* There followed, in 1918, a companion to the first work, on Japan, and eleven years later the masterly *History of Christian Missions in China*—a study almost indispensable to three classes of students: those of missions, international relations, and modern Chinese history. Completing, in a sense, and rounding out the three earlier studies on China is the significant work under review, which "is meant to be a fairly full summary and interpretation of what is known about the Chinese, both for the general reader and for longer, more detailed college and university courses on China."

A few of the difficulties faced by one who would do what Dr. Latourette has done are indicated by him in his preface. As he frankly states, the "sinologist will discover in the volumes little, if anything, which he does not already know.... The value of such a work rests not on fresh research in specialized fields, but on the summary and interpretation of results available in detailed but unconnected studies." What has been attempted, then, is the assembling from innumerable monographs, general works, and periodicals of knowledge of the past rendered available during the half-century which has elapsed since S. Wells Williams' *Middle Kingdom* was last revised, and of developments in China in recent years, many of which can be comprehended only in the light of the past and in turn throw light upon that past.

Confronted with the dilemma, in dealing with a field vast in area, population, and chronology, of choosing between loading his text with details of facts and names and presenting sweeping generalizations, the author has followed a middle ground. This must, as no one more clearly than he

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realizes, result in criticism on the one hand from those who "never can remember those heathen Chinese names" and those who insist that they shall have at least an opportunity—to forget them. Some instructors, faced by classes demanding facts as well as ideas, will regret the omission of names in such statements as (Vol. I, p. 69) "at least one [ruler] established a center in which he assembled distinguished representatives of several different schools" and (Vol. I, p. 127) "one of his diplomatic agents reached the shores of the Persian Gulf." Instances similar to these may be found on pages 135, 255, 289, 307, 313, 319, 349, and 353 of the first volume, which presents the connected history of the Chinese from the earliest times to the year 1933 in contrast to Volume II which deals topically with the Chinese people; government; economic life and organization; religion, social life and organization; art, language, literature, and education; and includes a general summary.

To avoid eye-strain and mental fatigue for those who develop such on meeting footnotes, the author has used but eleven in the first volume and none in the second. To obviate the need for these aids, he has attempted to arrange his excellent bibliographies—constituting one of the most valuable features of the work—so that they shall, chapter by chapter, parallel the topics in the text. Those interested in the development of sinological studies will nevertheless occasionally regret the lack of notes to accompany such anonymous references as (Vol. I, p. 60) "One scholar has it that . . ."; (p. 67) ". . . a recent brilliant study learnedly contends . . ."; and other on pages 115 and 317.

With no desire to be hypercritical of so conspicuously worth-while a work as this, but with the hope rather that they may aid in the preparation of a later edition, the following remarks are included. There is an over-use of the authorial "we" throughout the study, and a dearth of semi-colons which renders numerous sentences unduly complicated. Typographical errors are to be found in Volume I, p. 380, and Volume II, pp. 35, 46, 58, 75, 245. The declaration (Vol. II, p. 283) that the decaying vigor of the Manchus was the cause of the decline of Chinese creative civilization is decidedly debatable. The statement (Vol. I, p. 427) that Sun Yat-sen was "in Europe at the inception of the outbreak" of the 1911 revolution is inaccurate: he was in the United States, but went on to Europe instead of turning back to China as he considered doing. On page 434, the three-line explanation of the *San Min Chu I* leaves something to be desired from the standpoint of accuracy. The account of the origins of the 1931 outbreak in Manchuria (Vol. I, p. 464) is inadequate; it should be either more or less detailed. Incidentally, Marshal Chang Hsueh-liang was not in Manchuria in September, 1931, as is clearly implied in this account. The figures given for the foreign population of China in 1928 (Vol. I, p. 458) are incorrect and misleading (see *China Year Book, 1931*, p. 3).

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The addition of maps to illustrate the expansion of the Empire would enhance the clarity of the accounts of pre-Ming China.

Despite minor errors, and an occasionally debatable method of handling his material, Professor Latourette has met a long-standing need by the preparation of this study. He need not be invited to fling away his ambition to offer to the Western—and, it may be added, the Chinese—student a work comparable in scope to that of S. W. Williams. What that of the earlier scholar was to his generation, this one is to the present. Because of the advance being made in sinological studies, Latourette's work may not be standard as long as was Williams', but that need worry neither author nor reader. The next generation may look out for itself—it generally does. In the meantime, there is at least one work which serves as an excellent introduction to the study of Chinese history and culture, both factually and ideologically.

HARLEY FARNSWORTH MACNAIR.

University of Chicago.

Empire in the East. EDITED BY JOSEPH BARNES. (Doubleday, Doran and Company. 1934. Pp. vii, 322.)

This interesting discussion of certain forces at work in the Far East is the work of members of the American Council of the Institute of Pacific Relations. It is composed of ten essays written in close collaboration under the editorship of the new secretary of the Council. The essays overlap only slightly, and although the topical treatment prevents continuous exposition or argument, the net result is an admirable coverage of important aspects of a many-sided problem. Addressed to the general reader, the book is available also as collateral reading for college classes. Large type and two maps are attractive features. There is no index and no bibliography.

The editor has omitted, perhaps with prudence but also with some loss of completeness, any treatment of internal politics in Far Eastern states. Three essays are devoted to Chinese reactions to cultural intervention, six deal mainly with economic issues, and one with American policy. In the first group, the contribution of Owen Lattimore, "China and the Barbarians," and that of Pearl Buck, "Missionaries of Empire," are likely to provoke considerable comment and to furnish ground for debate. The former views China as a cultural rather than a political entity, engaged today as throughout her past history in meeting poison with antidote by pitting one set of "barbarians" against another. Mrs. Buck presents some striking interpretations of past and present missionary efforts, concluding with a half-prophecy that the springs of future movements of this nature will rise in Russia, Italy, and Germany. The third essay, that of Nathaniel Peffer, on "Peace or War," though it recapitulates the con-

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clusions of all the contributors, is most concerned to emphasize the deeply rooted cultural differences of East and West as the cause of war, and to point to the necessity for Western peoples to discard their superiority complex if China is to survive.

Economic factors are treated vividly and with authority by Professor Orchard in "The Japanese Dilemma," Joseph Barnes in "Soviet Siberia," Grover Clark in "Changing Markets," Frederick V. Field in "Battle of the Bankers," H. Foster Bain in "Second El Dorado," and Professor Alsberg in "The Struggle for Food." Throughout these essays runs the contrast between scarcity and abundance—between food and people, raw materials and industrial ambition, opportunity for profit-making and idle capital—in effect a telling argument against either territorial or financial imperialism.

Impressive by its absence is any reference throughout the book to the possibilities of international planning or international methods of settling current difficulties. In his closely-knit exegesis of the Open Door policy, Professor Dennett is apprehensive of its implementation by a single state, since he sees it leading to intervention. He views the ineffectiveness of the Covenant and the Kellogg Pact against Japan in 1931 as sufficient proof that the peoples have repudiated international sanctions, and he correctly reasons that a nationalistic Open Door policy is less likely to be humanitarian than self-centered. Had the plan of the book permitted, one would have valued a final essay on the alternative to empire, viewed internationally. But as it stands the work is an incentive to thought upon that problem.

HAROLD S. QUIGLEY.

University of Minnesota.

The Dutch East Indies; Its Government, Problems, and Politics. By AMRY VANDENBOSCH. (Grand Rapids: Eerdmans. 1933. Pp. 385.)

To readers of English, seeking acquaintance with the institutions of the Dutch East Indies, this book will take its place beside that of Kat Angelino, of which the abridged translation was published in 1931. Less bulky than that, less general and philosophical, it will probably prove to American students the more serviceable guide. It offers a more effective bibliographical apparatus. For some purposes it is helped rather than hurt by the fact that it was written by an outsider, not by one immersed in the subject treated. Vandenbosch is far enough away from his subject to be able to sketch it in good perspective, and is the more ready to admit possible differences in the interpretation of facts. He has a good command of the literature, in documents, books, and periodicals, and spent a year in the Netherlands and in the East Indies, interviewing officials and private persons, and observing affairs on the spot.

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The author's task is difficult. The island empire of the Dutch combines Europeans, Eurasians, Indonesians, and such foreign Asiatics as the Chinese and Arabians. It includes Java, one of the most densely populated areas of the earth, and outer islands where the population is sparse and primitive. Some twenty distinct areas are recognized, marked by differences in the customary laws to which the natives are subject. There is not only the contrast of native religions, but also the reflection of the religious element in Dutch political life, leading to the anomaly of a state church, Christian, under a government in which the native influence, Moslem, is constantly growing. In recent years, imported ideas of communism and nationalism have brought new strains into the structure of society, and the world economic crisis has disordered both private and public finance. The interaction of elements may be illustrated by the course of policy since 1900. To advance native welfare, large funds were needed. These could be got only by the taxation of enterprises financed and organized by Westerners. "Capitalists" had to be granted rights over land and rights over labor which threatened the very basis of native welfare. A more elaborate administration must be developed to check abuses and to further well-being. Expenditures for salaries increased, in millions of florins, from 37 in 1900 to 224 in 1928. The collapse of the world market has dried up the sources of revenue, but how can one stop this big machine which has been set going?

For the wealth of interesting detail furnished by the subject treated, the reader must be referred to the book itself. It is an excellent piece of work, well proportioned and soundly constructed.

CLIVE DAY.

Yale University.

The United States and the Caribbean Area. BY DANA G. MUNRO. (Boston: World Peace Foundation. 1934. Pp. viii, 322.)

Whither Latin America? An Introduction to Its Economic and Social Problems. BY FRANK TANNENBAUM. (New York: Thomas Y. Crowell Company. 1934. Pp. xix, 185.)

Professor Dana G. Munro has played during the last fifteen years an intimate, active, influential, and intelligent rôle in the relations of the United States government with the nations of the Caribbean area. After publishing a first-hand study of the five Central American republics, he served in the State Department as an economic specialist, as a member of the Latin-American Division, as chief of that division, as a diplomatic officer in Central America, and finally during an especially critical period as American minister to Haiti. Few could be as well qualified as he to write of the Caribbean countries.

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The United States and the Caribbean Area is an accurate, objective, strictly factual, and well-proportioned account of the recent history of this region, particularly the relations of the United States with it. The six chapters of the volume are headed: Cuba and the Platt Amendment, Panama and the Canal, Relations with the Dominican Republic, The American Intervention in Haiti, Efforts to Promote Stable Government in Central America, and The American Intervention in Nicaragua. These are followed by an appendix containing the more significant treaties.

Though brief, Dr. Munro's presentation offers to the beginning student and to the general reader an authoritative factual introduction to some of the most delicate, significant, and controversial aspects of American foreign relations. It is hoped that this book may shortly be followed by one which will give the author more room for the details with which he is familiar, more opportunity for interpretation, and more scope for appraisal of policies.

Dr. Tannenbaum's book is quite different in purpose, method, and subject-matter. Attempting little of historical narrative or of factual presentation, his study poses questions, challenges previous presumptions, and suggests the need of an organized coöperative study of the economic and social problems and trends of Latin America. The eight chapters, dealing with population, industrialism, finance, foreign trade, transportation, education, labor, and agriculture, lend convincing weight to Dr. Tannenbaum's opinion that "the Latin American area represents an unexampled field for profitable research" and that much of this research is still to be done. Dr. James T. Shotwell contributes a foreword to the volume; and an appendix deals with practical problems of research in Latin-American countries. *Whither Latin America?* will be stimulating to the student; but, notwithstanding its unsensational character, it is not recommended as bed-time reading for the American investor in Latin-American bonds.

A. C. MILLSPAUGH.

Brookings Institution.

Social Science Research Organization in American Universities and Colleges. By WILSON GEE. (New York: D. Appleton-Century Company. 1934. Pp. ix, 275.)

This volume, prepared by the director of the Institute for Research in the Social Sciences of the University of Virginia and issued in its series of publications, is described correctly by its title. Its scope is more restricted than that of Professor Ogg's volume on *Research in the Humanistic and Social Sciences* (Century Company, 1928), a work which provides a good background for the present study.

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Professor Gee first laid out the field for his study by obtaining statements concerning local social science research organizations from most of the leading colleges and universities of the country. The results of this part of the study are tabulated and summarized in Chapter II. He then selected for more intensive study the research organizations in seventeen of the larger universities, and one college. Each of these he visited on a coast-to-coast trip in 1933. By interviews with research committee members and others, and by a first-hand study of the local situation with respect to research programs, organization, and finance, he obtained a fairly comprehensive picture of the existing research arrangements. His findings of fact were prepared for publication on the ground, and were submitted to local research committee officials for correction before he left the place. These eighteen accounts, published as "Case Studies" (Chapter III), occupy two-thirds of the entire volume. They constitute an excellent feat of educational reporting.

Writers are frequently charged with generalizing too freely from an inadequate body of facts. If Professor Gee has erred, it is in the opposite direction. He has gathered and presented more facts than any one else in this field, and has assumed that they would be sufficiently eloquent in themselves. His introductory chapter on the place of the university and college in social science research is suggestive but brief, and his short concluding chapter on forms and adaptabilities of social science research organizations tells us much less than we should like to know. Organization in any field may be only an instrumentality, a means, but its form will to a large extent control its functions, and by its functioning ends will also be determined. The reader would like to know, among other things, why it is that few research committees "function as research planning agencies" (p. 259). To what extent do they stimulate research, develop research personnel, build up research facilities, select for support the more promising research projects, encourage the use of new research methods, and integrate the research activities of related disciplines? Partial answers to some of these questions will be found here and there in Professor Gee's pages. Let us hope that he will follow this very useful factual study with some interpretative and critical articles.

WILLIAM ANDERSON.

University of Minnesota.

BRIEFER NOTICES

AMERICAN NATIONAL GOVERNMENT AND CONSTITUTIONAL LAW

The ABC of the NRA (Brookings Institution, pp. xiv, 185) is a publication of the Institute of Economics. No evaluation of the NRA is attempted, although problems and issues are discussed. The first chapter

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sketches the lines of thought back of the National Industrial Recovery Act and gives something of its history. Succeeding chapters outline the provisions of the Act, point out the chief legal and economic issues, describe the administrative organization of the National Industrial Recovery Administration and the organization and methods under the President's Reëmployment Agreement, set forth the steps in the process of code-making, and describe the machinery and methods of code enforcement. The appendix contains sample codes and other documents. Although brief, the book is a careful and balanced outline of the Act and the machinery of its administration, up to February 14, 1934. *The New Deal* (Emory University, pp. 115) contains papers from the seventh session of the Institute of Citizenship at Emory University. Opening with a letter from President Roosevelt, the papers in general radiate faith in his administration. The leading article, by Stuart Rice, is an argument for national industrial control even at the expense of quick recovery, and a defense of recent expenditures. The paper entitled "A Critical Analysis of the New Deal," by Charles W. Pipkin, appears not to justify the first half of its title. Abit Nix proposes abandonment of Jeffersonian individualism and the states' rights doctrine. T. J. Cauley departs from the rule in this series. His condemnation of the abandonment of the gold standard is not balanced by a declaration supporting the Administration. In opposing a return to gold, Fred B. Wenn brings the series back into form. Other papers discuss such questions as constitutionality, and a new deal in foreign relations and in local government. The closing article, by Chester McCall, outlines a plan for a National Institute of Public Affairs for the production of leaders among the youth, giving to selected young people a two or three months' trip to Washington for "intensive training" in governmental administration. The plan is stated to be both non-partisan and supported by Secretary Roper.[1]—W. REED WEST.

In *Social Change and the New Deal* (University of Chicago Press, pp. 120), ably edited by Professor William F. Ogburn, an attempt is made to portray the social and economic trends in the United States for 1933. The volume is made up of a series of essays by well known men and women. At the outset, Professor Ogburn gives the background of the New Deal and illustrates it with four excellent charts. The book covers the most interesting phases of the New Deal. Included are papers on economic recovery by Frederick C. Mills, money and finance by Harry D. Gideonse, the recovery law by L. S. Lyon and C. L. Dearing, unemployment and relief by Frances Perkins, labor by W. Jett Lauck, agriculture and rural life by J. H. Kolb, education by Charles H. Judd, the Tennessee Basin by T. J. Woofter, Jr., and others. Only a few high-lights of some of the

[1] See p. 504 above.

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papers can be stressed here. Miss Perkins shows that relief has grown to enormous proportions on account of unemployment and that it will be necessary to continue it for some time in order to protect the standards of the workers. Professor Judd points out that while budgets for education have dwindled during the past year, the burden of the schools has at the same time been increased by reason of the large influx of students arising from the child labor provisions of the N.R.A. codes. Professor Woofter emphasizes the fact that the Tennessee Valley experiment is one of far-reaching significance in social and economic planning. In the final paper by Professor Ogburn on "The Future of the New Deal," several trends are depicted. He shows that there is a decided tendency toward the union of government and business, a "push toward monopolistic prices," and a close partnership between agriculture and the government. Another trend is governmental—the creation of many boards and administrative agencies, i.e., a trend toward a larger and more complete bureaucracy. Finally, Professor Ogburn shows how certain forces are working at cross purposes. The decline of the family, the church, and "main street" have made for more liberty, but the expansion of the state and industry have brought about many restrictions. The problem of the future is their adjustment to one another. The book contains much material of interest to political scientists; in fact, every paper in the series is valuable.—CULLEN B. GOSNELL.

T.N.T. (Long and Smith, pp. xxiii, 381), by T. Swann Harding, represents an effort to get back at *The Nation's Business*, Congressman Beck, the National Association of Manufacturers, and other publications, individuals, and organizations responsible for the frenzied economy drives of the present day and of the recent past. Mr. Harding, having worked both for private business and for the government, gives us many pages of comparison of the two. Private business comes out of the comparison looking rather haggard, villainous, and altogether discredited. The government—that is, the Federal Government—stands out as an unselfish, efficient, and trustworthy servant of the needs of all. The book is replete with material to prove the case. It is a splendid antidote to the widespread propaganda for government economy at all costs. It is also an illuminating contribution on all that modern government is called upon to do. Nor is it a dry compilation of statistical data. There is a punch in every page. Note some of the chapter headings: "Archaic Legalism and Government," "Lamentations of Messiahs and Critics," "The Merry Politician," "A Little Service, Please." Journalistic, flippant, propagandistic, overexuberant, full of emotional content—the book is all of these, but one cannot help liking it. The author calls names, indicts whole professions—leaving not a lamb among them—and he exults in the constructive ac-

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complishments of government experts. Mr. Harding is a special pleader; it is doubtful if he would deny it. When a man starts out on a general massacre of his foes, he is likely to grow careless. He is not always sure—if his foes be numerous—who his foes are. He is not careful about making distinctions. So with Mr. Harding and a general class he calls liberals. The liberal is many things; he is a person who steams with indignation, "redolent of almost nauseous virtue," possesses "the Soviet meglomania," is a rebel against authority, belches noisome gases, and so forth. After finishing Chapter VI, wherein the genus liberal is ingloriously defamed and injudiciously defined, the reader will conclude that a liberal is just a plain ordinary critic of the Food and Drug Administration. Despite inaccuracies, the book is instructive and racy reading. But in his next one, let Mr. Harding look to his proof-reading.—JEROME G. KERWIN.

The March, 1934, issue of the *Annals of the American Academy of Political and Social Science* is devoted chiefly to a group of twenty-one addresses and papers under the general title of *Towards National Recovery* (pp. 203), edited by Professor Ernest M. Patterson of the University of Pennsylvania. Four contributions deal with the nature and purposes of the recovery movement, four with new relations between business and government, four with the changing status of labor, four with recovery and the consumer, and five with miscellaneous aspects. In the first group, Professor John Dickinson writes of "Understanding and Misunderstanding the Recovery Program," and in the last Professor Edward S. Corwin discusses "Some Probable Repercussions of N.I.R.A. on our Constitutional System." Among the interesting conclusions arrived at in Professor Corwin's paper is that "we are to look forward to the gradual diminution in the years to come of the rôle of the Supreme Court in the determination of national policies. It will be something like the demise of the veto power of the English king." The Court's function in future is portrayed as that of "intervening in behalf of the helpless and oppressed against local injustice and prejudice (e.g., as in the recent Scottsboro case), rather than intervening in the assertion of out-of-date economic theories, as it has done too often since 1890."

Tariff tinkering with dairy products, barley, oats, and corn has been of little benefit to the American farmer in raising the prices which he receives for these commodities. This conclusion is reached in Ronald Renne's *The Tariff on Dairy Products* and Theodore Schultz's *The Tariffs on Barley, Oats, and Corn* (Tariff Research Committee, Madison, Wis., pp. 176 and 116). To a political scientist, the formidable statistical apparatus used to prove the effect, or lack of effect, of the tariff on these agricultural commodities seems, in the final analysis, somewhat incon-

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clusive if not irrelevant. For throughout the discussion the reader is informed that the influence of the tariff on agricultural prices cannot be isolated from other factors such as prohibition, technological developments, weather, the character of the soil, the depression, the Federal Farm Board, and that most elusive of all economic phenomena, the world price. Probably, a statistical approach to complicated economic processes prevents the attainment of those graces of style which characterize Dr. Taussig's studies on the tariff. The student of politics looks in vain for some account of the tortuous course through Congress of the various tariff bills which have levied duties on dairy products, barley, oats, and corn. Evidence abounds in both monographs that the statistical tables and charts have been prepared with care and thoroughness.—GEDDES W. RUTHERFORD.

Rogues, thieves, bandits, buccaneers, marauders, filchers, pickpockets, thimbleriggers, extortionists, land-grabbers, stock swindlers, speculating scoundrels, and commercial hijackers, answers John McConaughy to his question *Who Rules America? A Century of Invisible Government* (Longmans, Green and Co., pp. 338). Had this book been published before the tragic death of the author, it is possible that some of the white-heat passages would have been cooled to a glowing red, and that he would have given us a more complete analysis of our rulers of the last generation. McConaughy holds that one of the greatest enemies of the people was John Marshall, who from usurpation to usurpation built up the power of the national government, particularly the judicial branch, for the benefit of property and privilege. The Second Bank of the United States and the protective tariff are McConaughy's twin, supreme, and "unconstitutional" abominations. While there is a fresh and ingenious reinterpretation of historical data, particularly with reference to Jefferson and Burr, there is little that is new in the story of how business has controlled government, unless it be in the novel idea which the author seems to hold that decentralization would deprive business combinations of such control.—CLAUDIUS O. JOHNSON.

If the teacher of American government believes that his students should be afforded all possible relief from the burden of reading and of analyzing and digesting what they read, he will find a *Visual Outline of American Government* (Longmans, Green and Co., pp. 105), by Shepherd L. Witman, a serviceable tool. The reviewer's opinion is that the student ought to make his own "outline," which surely, as most present-day textbooks are constructed, should be no insuperable task. The diagrams contained in Mr. Witman's hand-book are, however, in many cases worth while.

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STATE AND LOCAL GOVERNMENT

Property Tax Limitation Laws (Public Administration Service, pp. 92), edited by Glen Leet and Robert M. Paige, is a symposium on the desirability of and the practical experience under laws establishing legal limits to property taxes. The opinions and arguments of twenty-five or thirty contributors in the field of public administration, finance, and taxation are presented. Both sides are represented but, as students of taxation would expect, the preponderance of opinion is against hard and fast legal limits, either constitutional or statutory. The names and reputations of the contributors give weight to this opinion. There is a frantic demand for such limitations, particularly on the part of owners of real estate, but the consensus of opinion of tax experts and city officials is that the solution of high taxes must be found in other directions. Of particular interest are the articles on the operation of tax limits in those states that have had them longest and in the most drastic form. *Taxes and Tax Trends* (National League of Women Voters, pp. 144), by Katherine A. Frederic, is an elementary and popular, but strictly up-to-date, discussion of the general problem of taxation. While written primarily for women, it can be read with profit by the average man. Woven in with the discussion of various types of taxes is a great deal of interesting and useful information concerning government revenues and expenditures and the mounting volume of public debts. The book contains a number of instructive charts and convenient lists of states that have certain kinds of taxes, including those that have levied chain-store and general sales taxes. The chapter on tax trends is suggestive. As a popular presentation of a difficult subject, the pamphlet is well done.—FORD H. MACGREGOR.

The appearance of an excellent analysis of the *Statistical Procedure of Public Employment Offices*, by Annabel M. and Bryce M. Stewart (Russell Sage Foundation, pp. 327), is of timely importance in view of the cooperative federal-state set-up which is now being developed under the recent Wagner Act, and the likelihood that unemployment insurance legislation will spread rapidly during the next few years. Sponsored jointly by the International Association of Public Employment Services and the Committee on Governmental Labor Statistics of the American Statistical Association, this study presents the results of a field survey of the public employment services of six foreign countries—Great Britain, France, Germany, Switzerland, Sweden, and Canada—as well as of the federal and selected state services in the United States. Both the practical experience and the professional competence of the investigators are evident in their comprehensive analysis of how such technical matters as employment applications, placement, clearance, and classification of data are handled in the foregoing jurisdictions. But the most valuable part of the study,

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from a constructive standpoint, is its concluding section, which projects a detailed plan for employment-office management in the United States. In the words of the authors (p. 271), this plan "has two distinctive features: first, centralization in state or federal bureaus of labor statistics of the statistical treatment of information reported by local employment offices; and, second, maintenance by each office of a daily record of information on all its transactions, and submission of a copy of this record to the central statistical bureau."—WALTER R. SHARP.

The Constitutions of Iowa (State Historical Society of Iowa, pp. 382) is a revised and enlarged edition of Professor B. F. Shambaugh's *History of the Constitutions of Iowa*, published in 1902. The present volume commemorates the hundredth anniversary of the establishment of civil government in the country west of the Mississippi now comprising the state of Iowa. The decade from 1836, when the Territory of Wisconsin was established, to 1846, when Iowa became a state, is a rich field for the student of early Western political institutions. The influx of population, the influence of dominant personalities, and the clash of the frontier spirit with necessary governmental restrictions are well illustrated in the discussion of organic acts and the agitation for establishment of a state government. The proceedings of the constitutional convention of 1844 have been used by the author with telling effect. The instrument drafted by that body was rejected by Congress and defeated twice by referendum in the territory. Another framed by a convention which met in 1846 was adopted by a small majority. In 1856, still another convention assembled and formulated the constitution under which Iowa lives today. The last chapter of the book, on "The Constitution of 1857 Amended," summarizes the seventeen amendments adopted since 1857 and gives some notion of the state's complicated amending machinery. The author has employed an attractive narrative style, and his book is not only valuable for purposes of reference but readable as well.—JOHN P. SENNING.

The history of an interesting organization up to February 1, 1933, is given by Arthur Hillman in *The Unemployed Citizens' League of Seattle* (University of Washington Press, pp. vii, 89). Three distinct periods followed each other: first, six months of organization and independent activity, a time when self-help really functioned; second, seven months of coöperation with the county in relief administration; and finally, six months of protest over the control of relief by the county commissioners and of conflict within the League. Mr. Hillman thinks that the political power of the League has been exaggerated, even though the men whom it endorsed for public office were for the most part elected. Except for state legislators, no persons from the organization's own ranks were elected.

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The radical element would seem to have gained the upper hand. Mr. Hillman seeks to be impartial, quoting from both League members and representative citizens. Both sides deplore the political activities of the League, although for different reasons.—FRANK M. STEWART.

In the hope that the burden of relief resulting from widespread unemployment will stimulate the states to revise their generally inadequate and often antiquated poor relief laws, the Public Welfare Association has prepared and the Public Administration Service has issued as its Publication No. 37, *Poor Relief Laws; A Digest of Existing State Legislation* (pp. 25). The laws of each state are digested through 1932 (in some instances 1933), and the fact is brought out forcefully that while in this more enlightened age new and superior forms of public assistance—old age pensions, mothers' aid, pensions for the blind—have been provided, they commonly suffer from being grafted on to basically outworn systems dating from an era of ox-carts and tallow candles.

The General Welfare Tax League, with headquarters at 309 E. 34th St., New York City, has issued as its Bulletin No. 5 (mimeographed, pp. 12) a survey of uniform-tax provisions of state constitutions. Following comment on the unfortunate effects of such provisions under present-day conditions, the pertinent clauses of all of the state constitutions are quoted.

FOREIGN AND COMPARATIVE GOVERNMENT

From the First to the Second Five-Year Plan (International Publishers, pp. 490) is a symposium by J. Stalin, G. Grinko, V. Molotov, and five other well known protagonists of the Soviet régime. Among topics discussed are work in the rural districts, tasks of the first year of the second five-year plan, the technical construction of national economy, the advance of heavy industry, strengthening the defense of the U.S.S.R., and the financial program of the U.S.S.R. for 1933. Greatest interest attaches, however, to the first sixty pages of the book, in which is reproduced a report by Stalin on the results of the first five-year plan, presented at the Joint Plenum of the Central Committee and Central Control Commission of the C.P.S.U. on January 7, 1933. Asserting that the plan has proved of "immeasurable" significance as "an affair of the whole international proletariat," and interpreting its main task as that of transforming the U.S.S.R. "from an agrarian and weak country, dependent upon the caprices of the capitalist countries, into an industrial and powerful country quite independent of the caprices of world capitalism," the leader maintains that the program has been almost unqualifiedly successful in the domain of industry and has made great strides (even if more remains here to be achieved) in that of agriculture. "Notwithstanding defects and mis-

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takes, the existence of which none of us denies, we have achieved important successes which call forth the admiration of the working-class all over the world."

Professor J. Lloyd Mecham's *Church and State in Latin America* (University of North Carolina Press, pp. ix, 550) covers a somewhat narrower field than its title might suggest, for it is essentially a detailed study of the relations of the Papacy and the local church authorities with the government of each Latin American state since the beginning of the revolt against Spain. Many readers will probably regret that the author does not give a somewhat more comprehensive picture of the Church's relation to the community as a whole at the end of the colonial period and today as a background for the study of political relations. It would perhaps have been impracticable to do so, however, without sacrificing other valuable material. After two introductory chapters, containing a discussion of the legal aspects of the right of patronage exercised by the king of Spain and an especially interesting account of the relations between the Papacy and the revolutionary governments during the war of independence, the author deals separately with subsequent relations between church and state in each of the Latin American republics. A considerable portion of the book is naturally devoted to the history of the religious question in Mexico. This section, however, will probably be of less interest to students already familiar with the main outlines of nineteenth century Latin American history than several other chapters which are less complete but which present facts not hitherto so readily available about the relations of church and state in other countries. Though the author is obviously handicapped by the lack of available source material, which makes it extremely difficult at this stage in the study of Latin American history to deal satisfactorily with any aspect of the development of the Latin American republics since the end of the Spanish régime, he has been able nevertheless to give a general picture of church-state relations in each country and thus to present a suggestive picture of the situation in Latin America as a whole. Controversial questions are discussed with evident impartiality. The book is an important addition to the literature in English on the recent history of the Latin American republics, because it covers ground thus far largely unexplored and presents a mass of valuable data which has not hitherto been readily accessible.—DANA G. MUNRO.

In his *Peiping Municipality and the Diplomatic Quarter* (Peiyang Press, pp. 146), Robert Moore Duncan gives a satisfactory treatment of the administrative organization of one of the world's largest and most interesting cities. Until recently China's capital, Peiping has had a separate

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municipal organization only for a short time. For this reason, and because municipal administration is not highly developed in China, the system described is rudimentary. After a brief survey of the legal basis and general organization of the Peiping municipality, the author analyzes the organization of its four bureaus: public safety, finance, public works, and social welfare. Eight pages suffice for a description of the arrangements for self-government. The last two chapters are devoted to a consideration of the legal basis of, and the administrative organization for, that peculiar feature of Peiping—the Diplomatic Quarter. The maps included will be of distinct service to those unfamiliar with the physical appearance of the city. The limited scope of the study undertaken by Dr. Duncan, and his careful factual method of treatment, lend value to his work. It is to be hoped that equally competent students will interest themselves in making similar technical studies of China's governmental organization.—HAROLD M. VINACKE.

The Definite National Purpose (Toronto: Macmillan Co., pp. xvi, 161), by W. H. Moore, and *Recovery by Control* (Toronto: J. M. Dent and Sons, Ltd., pp. ix, 360), by Francis Hankin and T. W. L. Macdermott, indicate the two wings of political liberalism in Canada today. Mr. Moore, an exponent of the old school, believes that the only solution to the situation created by the "collective stupidities" of the past is "economic liberalism," meaning individual initiative bridled by competition. *Recovery by Control* is a more scholarly work, with a progressive outlook. The first part is devoted to a descriptive account of the extent to which government has intervened already in the economy of Canada—"one of the most socialistically organized countries in the world." This survey is probably the most valuable part of the book, for it has never before been available in a single volume. Upon such an analysis, the authors proceed with a plan for the future embracing self-government in industry presided over by a non-politically appointed economic council widely representative of productive industry, thus reconciling individualism with coöperation.—LIONEL H. LAING.

Drs. Oskar von Niedermayer and Juri Semjonow have collaborated in the production of the most recent volume in the *Schriften zur Geopolitik* series. This study, entitled *Die Sowjetunion, eine Geopolitische Problemstellung* (Berlin: Kurt Vowinckel, pp. 151), provides excellent material for serious students of Russian economic and administrative problems. In addition to the chapters devoted to transportation questions, planned economic life, etc., the authors provide excellent discussions of the question of nationalities, military geography, and the problem of local administrative areas. The analysis is uniformly vivid and incisive, and completely removed from all taint of propaganda. Bibliographical references are

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plentiful, and the numerous maps and charts are masterpieces of clarity. —GRAYSON L. KIRK.

Constitutional Issues in Canada, 1900–1931 (Oxford University Press, pp. xvi, 482), edited by Robert MacGregor Dawson, is an extensive and well-selected collection of "readings" drawn from parliamentary papers (British and Canadian), reports of commissions and imperial conferences, judicial decisions, magazines and newspapers, and sundry other sources. The materials are grouped in chapters devoted to the constitution, the governor-general, the cabinet, the House of Commons, the Senate, the civil service, the judiciary, political parties, and dominion-provincial relations; and each chapter opens with a brief introduction by the editor. Materials relating to imperial and foreign relations were found so embarrassingly rich that it was decided to present them later in a separate volume. In the lack of any recent or adequate textbook on Canadian government, Professor Dawson's compilation should prove serviceable.

The Marxist interpretation of possibly the most important phase of Irish history is given in *The War for the Land in Ireland* (International Publishers, pp. 201), by Brian O'Neill. In his sketch of the agrarian movements, the author takes pains to show that the working farmers were betrayed by a succession of middle-class leaders. Yet the farmers themselves have never displayed any capacity for prolonged revolutionary action, so that the only hope lies in the emergence of a proletarian leadership. It is argued that the newly-formed Irish Communist movement must press forward to the social revolution, which will incidentally realize all of the long-cherished national aims, and only when Ireland has been turned into one big collective farm will the war for the land be ended.—JOSEPH R. STARR.

The Tariff of Syria, 1919–1932 (Beirut: American Press, pp. 318) is the subject of an excellent field study by Professor Norman Burns, formerly of the American University at Beirut. The author is convinced that the Syrian tariff administration is in need of numerous reforms and his arguments for them are impressive. His illuminating account of the *paperas-serie* involved in the customs administration leaves one with the impression that this cherished French vice has thrived luxuriantly in the Levantine air. The book contains valuable statistical and documentary appendices.

Persons having occasion to use Canadian government publications will find helpful a pamphlet entitled *Author Entries for Canadian Government Publications* (pp. 6), prepared by James B. Childs of the Catalogue Division of the Library of Congress, and reprinted from *The Library Quarterly*, April, 1934.

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INTERNATIONAL LAW AND RELATIONS

Students of international administration and budding administrators may alike profit from the fortunate practice of Sir Arthur Salter in committing to paper organized and well-balanced reflections upon current problems with which he or the League of Nations has been faced. The latest volume appearing over his signature, *The United States of Europe, and Other Papers* (Reynal and Hitchcock, pp. 303), consists of memoranda written by him at various times during the thirteen-year period following the Peace Conference. The papers have been arranged and annotated in a most satisfying manner by W. Arnold-Forster. To those reading comfortably after the event, the striking feature of the memoranda is the acuity and skill with which Sir Arthur perceived the essential nature of the situations confronting him or the League. The memoranda take on added interest when one recalls that the author was regarded by many as the logical successor of Sir Eric Drummond as Secretary-General of the League. A series of not entirely fortuitous circumstances—the sudden death of Albert Thomas, the election with French approval of an Englishman to succeed him as director of the International Labor Office, and the insistence of the French that if the one plum went to Britain the other should go to France—may have cost Sir Arthur the position of Secretary-General, but they in no wise lessen the value of his comments. The book might with better reason have been called "The League of Nations," as but two of the memoranda deal with the United States of Europe. Other papers treat of the international character of the League secretariat, a proposal for a world economic conference, and the economic weapons of the League under Article XVI of the Covenant. The relation of the United States and the League is discussed realistically, yet with a view to securing the maximum assistance of the United States in problems requiring international coöperation. Arbitration, security, disarmament, sanctions, the Kellogg Pact, and the freedom of the seas all receive the attention of this busy international administrator at one time or another. His memoranda were prepared, as he admits, so that he might clarify his own thoughts, take such steps as were within his competence in accordance with some concept of wider policy, and sometimes "influence my colleagues or others whose views are likely to determine policy."—HERBERT W. BRIGGS.

At the request of commercial agents of the U.S.S.R., Edouard Lambert examined the legal implications of the Russian Goods (Import Prohibition) Act, enacted by the British Parliament on April 13, 1933. In *Une Fuite dans les Institutions de Paix* (Lyons: Revue de l'Université, pp. 71), he has presented the results of his study, together with an analysis of a research conducted by Giovanni Pacchioni into other aspects of this

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famous British "embargo," which followed the trial in Russia of several English engineers on charges of espionage and sabotage. Unqualified approval is given to Pacchioni's conclusion that the act was contrary to accepted principles of international law. Basing his opinion upon a survey of comparative law, the author endeavors to show that the act was also in violation of generally accepted standards of private law, because of its virtual annulment of contracts made prior to its enactment. On account of the damaging effect of the embargo on the institutions of international peace, Professor Lambert urges the development of stronger legal ties among nations, particularly in relation to commercial activities.—NORMAN L. HILL.

If all authors who write books to support a particular thesis could do it as ably as Sir Arnold T. Wilson, there might be fewer criticisms of this method of writing—and more books like *The Suez Canal, Its Past, Present, and Future* (Oxford University Press, pp. xv, 224). It is the belief of the distinguished author that the present transit charges imposed by the Canal authorities are excessive, and he marshals a formidable array of statistics to show that the present rates are unnecessary, that they tend seriously to hamper trade, and that they are maintained largely in order to support the high dividends to shareholders and the inflated salaries paid to directors and other officials of the company. Although ample space is given to the defense of company officials, one feels that the case, as presented, is conclusive and devastating. The reader who is not particularly interested in the rate controversy will find highly illuminating the chapters dealing with the diplomatic and financial difficulties attending the construction of the canal. Bibliographical materials are abundant.—GRAYSON L. KIRK.

In the three problems submitted to the Naval War College in *International Law Situations, with Solutions and Notes*, 1932 (Government Printing Office, pp. v, 147), Professor G. G. Wilson asks exciting questions about the conduct of hostilities at sea. For example: States X and Y use force against each other without declaring war. States A, B, and C boycott States X and Y. What will boycotters' cruisers do about each other's merchantmen bound for hostile ports? About hostile merchantmen bound for boycotters' ports? About merchantmen of States not involved, on lucrative voyages to ports of intransigents X and Y? About an X convoy of such merchantmen? The judicious pouring is still one of new wine into old bottles; but the old bottles seem to be all we have—LLEWELLYN PFANKUCHEN.

Under the title of *The Constitutional Development of the League of Nations* (University of Kentucky, pp. 182), Professor Paul K. Walp has

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traced the evolution of the relations between the Council and the Assembly. It is the author's conclusion that a decade of adjustment "has reduced what appeared to be great and disturbing problems in the relationship of the Council and the Assembly to matters of little concern to either." The manuscript was apparently completed before the Manchurian crisis and consequently is in many respects already obsolete. The reader cannot avoid annoyance over numerous examples of faulty proofreading and the inexcusable omission of all accent marks on French words.—GRAYSON L. KIRK.

Italy's Relations with England, 1896–1905 (Johns Hopkins Press, pp. 170) is the fruit of a careful study by Professor James L. Glanville. Using copious documentation, the author traces the steps by which the Italian government surmounted the successive defeats and humiliations of the closing years of the nineteenth century and emerged by 1905 with a more fixed foreign policy and a more secure international position. The author thinks that much of the credit for this achievement should be given to the wise policies of the Visconti-Venosta.

Volume III (pp. xxiv, 833) of the monumental series entitled *Treaties and Other International Acts of the United States of America*, edited by Hunter Miller, has been issued by the Government Printing Office at Washington. Opening with the treaty of amity, settlement, and limits with Spain dated February 22, 1819, it presents the official texts of thirty-nine international acts, ending with the article added in 1835 to the Mexican treaty of January 12, 1828. The volume has been edited and printed with the same meticulous care as its predecessors, and will be no less welcome among students of diplomatic history and kindred subjects. There are two maps.

POLITICAL THEORY AND MISCELLANEOUS

In the main, Professor Charles A. Ellwood's *Methods in Sociology; A Critical Study* (Duke University Press, pp. xxxiv, 214), is a telling onslaught on the philosophy—mechanistic, behaviorist, objectivist, pragmatic, or however it cares to name itself—which claims to treat the phenomena and problems of the social sciences exclusively in accordance with methods of investigation regarded as appropriate to the physical and biological sciences. Since the beginning of the twentieth century, under the influences represented by Pavlov and Watson, a movement in this direction has made headway in American sociology. Professor Ellwood is a leading exponent of the counter-movement. He takes, however, a more moderate position than do his opponents, for he freely admits the value of behavioristic methods while with equal firmness denying their adequacy. This appears to the reviewer a reasonable position. The argu-

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ment appeals to the different way in which we know or experience social processes as compared with physical processes. It points to the infusion of value-elements in human behavior and in the institutions which sustain or direct it. These value-facts are facts just as much as any others in the universe. They lie within the peculiar domain of the social scientist. If he ignores them because they do not fit in with a particular philosophy, he is surely not more, but much less, a scientist. When Professor Ellwood claims that behaviorism "affords no adequate basis for dealing with the non-material elements of culture," he is putting his case almost too modestly, for in the sense of the physicist there is no such thing as a *material* culture—it is a contradiction in terms. Unfortunately, the advocates of behaviorist methods constantly ignore the fact that they are taking a philosophical position which must be accepted or rejected on philosophical grounds. Too frequently, they are under the delusion that they are simply discarding philosophy for science and dealing solely and simply with the "facts." Professor Ellwood's book well reveals the character of this delusion. It should, however, be noted that the vindication of the subjective as material of science is another thing altogether than the establishment of the principle that science is properly concerned with ethical norms. The scientific hazards attaching to this principle are not sufficiently reckoned by Professor Ellwood. We must admit, with Professor Jensen (who contributes an introduction to the book), that "every social situation is shot through and through with value." We must also admit that all applied sciences, from navigation to criminology, exist because of human valuations. But in so far as they are sciences, they simply posit values as ends—they do not establish them as values—and are concerned with the system of means relative to those ends. Sociology may properly study the conditions of social harmony or adjustment, but no science can prove that social harmony is an ultimate good. The final goals of living are ours by virtue of what we are ourselves, neither to be refuted nor confirmed by any deliverance of science.—ROBERT M. MACIVER.

In *The New Capitalism* (Macmillan Co., pp. 229), James D. Mooney, a vice-president of General Motors, attempts to clarify economic issues by the use of ingenious physical analogies illustrated by charts, diagrams, and photographs. The law of supply and demand is ranked with Newton's law of gravitation; the gold standard is declared indispensable; and Mr. Mooney seeks the "new *laissez faire*" based on free and fair competition with the least possible government interference. Governments are "the world's worst economists." Socialism is "illusory," and "hallucination," and typical of loose thinking. The shorter work-week is a fallacious nostrum. Mr. Mooney's solution includes increased production, low prices, low tariffs, greatly decreased taxes. A more fundamental analysis

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is *Our Economic Revolution* (University of Oklahoma Press, pp. 196), by Arthur B. Adams. Mr. Adams begins with the boom phenomena and seeks causes: "The major causes were excess profits and low wages and long working hours during periods of great technological progress." His study includes primarily four problems: (1) monetary policy and price stabilization; (2) agricultural relief and over-production; (3) public works and business recovery; (4) industrial control, business recovery, and fundamental reforms. To all recovery legislation, Mr. Adams applies the test of its effect on immediate and long-time purchasing power. He concludes that inflation, agricultural relief, and public works are of temporary significance and that permanent results must be looked for in the N.R.A. attempts at control of industry. The weakest part of Mr. Adams' theorizing is his lack of thorough analysis of the political problems involved in this last project. He urges that government narrow the range of private initiative by insisting on a wage level which will maintain adequate purchasing power, and on a limitation of profits which will prevent over-investment. Otherwise the government should mostly devote itself to enforcing fair competition and to protecting the consumer from monopoly prices.—HARVEY PINNEY.

Observational Studies of Social Behavior: Volume I—Social Behavior Patterns (Institute of Human Relations, Yale University, pp. xvii, 371), by Dorothy Swaine Thomas, Alice M. Loomis, and Ruth E. Arrington, is in the nature of a "progress report" on the development of experimental techniques to secure "simple indices of social interaction and to define individual and group behavior patterns in terms of these indices." The volume represents one stage of a larger program of sociological research under way at the Yale Institute of Human Relations. The group situations included in the studies reported range from a nursery school and kindergarten to a trade school and adult industrial setting. The limitations of such observational techniques as were employed and tested for their reliability are frankly admitted by the investigators, but they venture to express the belief that eventually "group patterns and individual deviates can be determined in such a way that differences between groups in various situations, as well as changes in a given group and in the individuals comprising it, may be studied." If this should become true, we may in the future be able to break down into their simple components some of the subtle differentia of political behavior which baffle present-day students of the art—or science?—of politics.—WALTER R. SHARP.

To the many difficulties encountered by Dr. George B. Cressey in collecting the data for his *China's Geographic Foundations; A Survey of the Land and Its People* (McGraw-Hill Book Co., pp. xvii, 436) was added downright calamity in the form of the loss of all of his maps and photographs when, early in 1932, the plant of the Commercial Press of Shanghai

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was destroyed by the Japanese. The book was about to appear when the disaster occurred. Changing the title from "The Geography of China" to that given above, assembling photographs and other materials anew, and rewriting many of his chapters, Mr. Cressey was finally able to turn over the manuscript to an American publisher; and the best study of Chinese geography—both physical and human—known to the English language, or possibly any other, has at last become available. So huge are the areas to be dealt with, and so few the intensive critical studies of minute sections as yet made, that the author rightly declares it a matter of many years "before an adequate treatment will be possible." In the meantime, however, his book, presenting everything of major significance that is now known, will be of inestimable service, not only to geographers, but to students of Far Eastern history, politics, and economics. There is a very extended bibliography, and excellent maps, diagrams, and photographs illumine the text at every turn.

La Fin du Principe de la Séparation des Pouvoirs (Paris: Librairie de Recueil Sirey, pp. 129), by Marcel de la Bigne de Villeneue, is a logical exercise in which clarity of definition does not entirely atone for sterility of content. The author examines Montesquieu's famous doctrine in the light of the familiar concept of indivisible sovereignty, and naturally concludes that the idea of separation of powers is not only inconsistent with fact but also logically unthinkable. He proceeds elaborately to demonstrate that its later exponents either fall into the same contradiction or pervert Montesquieu's meaning. On this scholarly background he urges the adoption of a "sociological" terminology which shall clearly distinguish the indivisible power of the state from its functions and services. The functions of the state are to be classified as independent (legislation and "government") or derived (administration and jurisdiction), and state services as "essential," "contingent," and "parasitic."—JOHN D. LEWIS.

Donald O. Wagner's *Social Reformers, Adam Smith to John Dewey* (Macmillan Co., pp. xvii, 749), will prove a useful collection of readings for the teacher of social theory or economic and social history. Dr. Wagner's definition of "social reformers" is broad enough to include Spencer, Leo XIII, and Alfredo Rocco, as well as such writers as Bentham, Paine, and Marx. In his selections he has avowedly attempted to stress his writers' "impact on subsequent thought," to retain the original flavor of their writings, and to indicate the evolution of ideas. He has succeeded admirably. Moreover, his brief biographical sketches are pointed, witty, and interesting; and his critical bibliographies are well selected. One might question the omission of certain writers, e.g., Ruskin, Morris, and Jefferson. One might regret that the space given Marx is devoted entirely to the *Communist Manifesto*, and that Veblen and Dewey are accorded

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only a few pages each. But such criticisms, largely personal, can hardly detract from the value of this excellent collection.—JOHN D. LEWIS.

Island India Goes to School (University of Chicago Press, pp. 120), by Edwin Embree, Margaret Sargent Simon, and W. Bryant Mumford, represents the report of a survey of the educational system of the Dutch East Indies by a commission under the auspices of the Julius Rosenwald Fund. The report praises the East Indian educational system as "admirably planned and efficiently executed so far as the teaching of Western knowledge is concerned," but criticizes it for taking "so little account of the history and culture of the people themselves." While this criticism is not unwarranted, the authors would have given a fairer picture if they had laid more stress on some of the splendid work of the Dutch in preserving and developing indigenous culture; for this, in contrast with most other colonial systems, is one of the cardinal features of Netherlands' colonial policy. The report is an excellent one, yet it falls short of adequate recognition and analysis of many basic problems of educational policy in backward countries.—AMRY VANDENBOSCH.

A high school economics text by Professors Howard C. Hill and Rexford G. Tugwell should command more than passing interest. One such as *Our Economic Society and Its Problems* (Harcourt, Brace, pp. ix, 566), written in terms of a changing society and friendly toward experimentation in meeting the problems of our changing economic life, deserves special consideration. After a brief historical introduction, our present levels of living—poverty, comfort, and riches—are studied. The balance of the book is devoted to the problem of raising the levels of living and advancing human welfare by improving methods of production and the conduct of business, by redistributing income, by the wise use of income, by international coöperation, and by considering alternatives to *laissez faire*. In their treatment of controversial issues, the authors have happily preserved an objective and non-dogmatic approach.—BURR W. PHILLIPS.

Over Here, 1914–1918 (Scribner's, pp. xxiii, 676), is Volume V of Mark Sullivan's *Our Times; The United States, 1900–1905*. Like its predecessors, the book pretends to be nothing more than a good grade of popular history. As such, however, it has its points, not the least of which is its panorama of war-time happenings as viewed from the vantage-ground of an experienced and intelligent journalist in Washington. A wealth of illustrations is about equally divided between photographs and cartoons.

Under the editorship of George H. Ryden, the Historical Society of Delaware has published *Letters to and from Caesar Rodney, 1756–1784* (University of Pennsylvania Press, pp. vi, 482). The collection, bringing together all of Rodney's letters which have public interest, will be serviceable to students of American institutions and politics during the Revolutionary period.

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RECENT PUBLICATIONS OF POLITICAL INTEREST

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CHARLES S. HYNEMAN
University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

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